S. Hrg. 101-1182

INDIANA DUNES NATIONAL LAKESHORE ACCESS AND ENHANCEMENT ACT AND AMENDING THE ILLINOIS AND MICHIGAN CORRIDOR ACT

HEARING

BEFORE THE

SUBCOMMITTEE ON
PUBLIC LANDS, NATIONAL PARKS AND FORESTS

OF THE

COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE

ONE HUNDRED FIRST CONGRESS

SECOND SESSION

ON

S. 2882 AND H.R. 3209

TO MODIFY THE BOUNDARIES OF THE INDIANA DUNES NATIONAL LAKESHORE, AND FOR OTHER PURPOSES

S. 3048

TO AMEND THE ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE CORRIDOR ACT OF 1984 TO EXTEND THE BOUNDARIES OF THE CORRIDOR

SEPTEMBER 27, 1990

Printed for the use of the
Committee on Energy and Natural Resources

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INDIANA DUNES NATIONAL LAKESHORE ACCESS AND ENHANCEMENT ACT AND AMENDING THE ILLINOIS AND MICHIGAN CORRIDOR ACT OF 1984

THURSDAY, SEPTEMBER 27, 1990

U.S. Senate,
Subcommittee on Public Lands,
National Parks and Forests,
Committee on Energy and Natural Resources,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:05 p.m., in room SD-366, Dirksen Senate Office Building, Hon. Dale Bumpers, presiding.

OPENING STATEMENT OF HON. DALE BUMPERS, U.S. SENATOR FROM ARKANSAS

Senator Bumpers. The committee will come to order.

The purpose of today's hearing is to receive testimony on three bills currently pending before the Subcommittee on Public Lands, National Parks and Forests. They are S. 2882 and H.R. 3209 to modify the boundaries of the Indiana Dunes National Lakeshore and for other purposes; and S. 3048, to amend the Illinois and Michigan Canal National Heritage Corridor Act of 1984 to extend the boundaries of the corridor.

I would like to remind each witness now, to request to you to summarize your testimony and to please limit your oral remarks to 5 minutes or less.

At this time I will place copies of all three bills in the hearing record. And the record will remain open for 1 week to receive additional comments and testimony.

[The texts of the bills follows:]

II

101st CONGRESS
2d Session

S. 2882

To modify the boundaries of the Indiana Dunes National Lakeshore, and for other purposes.

IN THE SENATE OF THE UNITED STATES

July 20 (legislative day, July 10), 1990

Mr. Coats (for himself and Mr. Lugar) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To modify the boundaries of the Indiana Dunes National Lakeshore, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indiana Dunes National Lakeshore Access and Enhancement Act".

SEC. 2. DEFINITION.

For the purposes of this Act, the term "the Act" means the Act entitled "An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes", approved November 5, 1966 (6 U.S.C. 460u et seq.).

SEC. 3. BOUNDARIES.

(a) IN GENERAL.—The first section of the Act (16 U.S.C. 460u) is amended by striking "October 1986, and numbered 626-80, 033-B" and inserting "July 1990, and numbered ____________________".

(b) CRESCENT DUNE.—Section 12 of the Act (16 U.S.C. 460u-12) is repealed.

SEC. 4. SALT CREEK AND LITTLE CALUMET RIVER PROTECTION PLAN.

The Act is amended by adding at the end thereof the following new section.

"SEC. 25. (a) Not later than 2 years after the date of enactment of this section, the Secretary shall, in cooperation with affected landowners, conservation organizations, local and State governments, and Federal agencies having jurisdiction over the scenic, natural, cultural, and recreational resources within the area, complete a study of—

"(1) the Little Calumet Corridor between U.S. Highway 20 and County Road 450 East, Pine Township; and

"(2) the Salt Creek Corridor between Interstate 94 and County Road 700 North, Liberty Township.

"(b) Participation in the study required by subsection (a) by landowners, conservation organizations, local and State governments, and Federal agencies shall include ample opportunity for review and comment, including opportunity to—

"(1) comment on the scope of the study;

"(2) furnish information and opinion at any time during the study and planning process;

"(3) testify at a public meeting; and

"(4) comment on a written draft of the study and recommendations.

"(c) The study required by subsection (a) shall include—

"(1) an inventory of the corridor's scenic, natural, cultural and recreational values;

"(2) an analysis of existing threats and likely future threats to those resource values and of existing local State and Federal efforts to counter those threats;

"(3) an evaluation of public access opportunities for the purposes of fishing, canoeing, hiking, and other appropriate recreational activities;

"(4) alternative private, State, and local means for enhancing the protection of resource values and for ensuring public access for recreational purposes; and

"(5) recommendations for actions that could be taken by landowners, conservation organizations, local and State governments, and Federal agencies to enhance protection of the corridors' resource values and ensure appropriate public access, consistent with landowner rights.

"(d)(1) The Secretary shall transmit copies of the study prepared pursuant to subsection (a) to the landowners, conservation organizations, local and State governments and Federal agencies or organizations that were recommended to have a role in the implementation of a conservation strategy for the river corridors.

"(2) With the transmittal of the study under paragraph (1), the Secretary shall request the participants to describe, not later than 6 months after receipt of the study, the extent to which they intend to adopt and implement the recommendations made in the study.

"(e) Not later than 12 months after the date of completion of the study required by subsection (a), the Secretary shall submit a report to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives that—

"(1) summarizes the response received from study participants concerning their intent to adopt and implement the recommendations made in the study; and

"(2) recommends further actions that should be taken to ensure full protection of, and adequate public access to, the significant resources of the Calumet River Corridor and Salt Creek Corridors.

"(f) Following submission of the Secretary's report to Congress, the Secretary shall continue to actively monitor actions taken by landowners, conservation organizations, local and State governments, and Federal agencies to implement the Secretary's recommendations, and make periodic reports to Congress on the extent to which the study recommendations are being implemented and the resource values of the corridors are being protected.

"(g) Following completion of the study required by subsection (a), the Secretary shall, upon request, provide technical and coordination assistance to landowners, conservation organizations, local and State governments and Federal agencies that wish to implement the study recommendations.".

SEC. 5. REPORT ON ROAD RIGHTS-OF-WAY.

The Act, as amended by section 4, is amended by adding at the end thereof the following new section:

"SEC. 26. (a)(1) Not later than 180 days after the date of enactment of this section, the Secretary shall prepare and submit to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that—

"(A) identifies road rights-of-way within the boundaries of the lakeshore that are proposed to be relinquished by local governments;

"(B) describes actions that have been taken to effect the relinquishment of the rights-of-way; and

"(C) describes any impediments there may be to each relinquishment.

"(2) The Secretary shall notify Federal, State, and local transportation authorities of the road rights-of-way identified in the report described in paragraph (1).

"(b) The Secretary may reimburse a local government for reasonable administrative costs associated with relinquishing a road right-of-way within the boundaries of the lakeshore.".

SEC. 6. DEEP RIVER CORRIDOR STUDY.

The Act, as amended by section 5, is amended by adding at the end thereof the following new subsection:

"SEC. 27. (a) Not later than 2 years after the date of enactment of this section, the Secretary shall complete and submit to the Committee on Interior and Insular Affairs of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate a study of the Deep River Corridor.

"(b) The area to be studied pursuant to subsection (a) shall include—

"(1) the segment from the abandoned Chesapeake and Ohio Railroad right-of-way south of the existing

Deep River County Park to the confluence of Deep River with the Little Calumet River;

"(2) the portion of the Little Calumet River between Lake Michigan and Martin Luther King Drive in Gary, Indiana; and

"(3) the Lake George Segment of the Deep River Corridor.

"(c) The study required by subsection (a) shall include—

"(1) an inventory of the area's natural, cultural, and recreational values and features;

"(2) recommendations for the provision of the public access for the purposes of fishing, canoeing, hiking, and other public activities; and

"(3) recommendation of the lands, waters, and interests therein that should be acquired to provide for the protection of the resources in the corridor, including recommendations regarding the State, local, or Federal agencies or jurisdictions that should acquire and administer those lands, waters, and interests therein.".

SEC. 7. IMPROVED PROPERTY; RETENTION OF RIGHTS.

(a) ADDITIONAL AREAS.—The table in section 4 of the Act (16 U.S.C. 460u–3) is amended to read as follows:

"Property within boundaries of map	Construction began before
Dated July 1990	July 1, 1990
Dated October 1986, No. 626–80, 033–B	February 1, 1986

"Property within boundaries of map	Construction began before
Dated December 1980, No. 626-91014	January 1, 1981
Dated September 1976, No. 626-91007	February 1, 1973
Dated September 1966, No. LNPNE-1008-ID	January 4, 1965".

(b) Retention of Rights.—Section 5(a) of the Act (16 U.S.C. 460u-5(a)) is amended—

(1) in paragraph (2)(B), by striking "subparagraph (A)" and inserting "subparagraph (A)(ii)"; and

(2) by adding at the end thereof the following new paragraph:

"(3)(A) In the case of improved property included within the boundaries of the lakeshore after July 1, 1990, that was not included within the boundaries before that date, an individual who is an owner of record of such property as of that date may retain a right of use and occupancy of such improved property for noncommercial residential purposes for a term ending at either of the following:

"(i) A fixed term not to extend beyond September 30, 2010, or such lesser fixed term as the owner may elect at the time of acquisition.

"(ii) A term ending at the death of the owner or the owner's spouse.

The owner or owners shall elect the term to be reserved.

"(B) Subparagraph (A)(ii) shall apply only to improved property owned by an individual who—

"(i) was an owner of record of the property as of July 1, 1990;

"(ii) had attained the age of majority as of that date; and

"(iii) made a bona fide written offer not later than July 1, 1995, to sell the property to the Secretary.".

(c) EXTENSION OF LEASES.—Section 5 of the Act (16 U.S.C. 460u–5) is amended by adding at the end thereof the following new subsection:

"(d)(1) With respect to an improved property acquired prior to the date of enactment of this subsection upon which a valid existing right of use and occupancy has been reserved for a term not more than 29 years, the Secretary may renegotiate the term of the retained right to a term for a period of not more than 29 years from the commencement date of the existing right, not to extend beyond September 30, 2010.

"(2) In order to obtain a lease extension under this subsection, the holder of a reserved right shall make application to the Secretary and elect an extended lease term not later than one year after the date of enactment of this subsection.

"(3)(A) A lease extension under this subsection--

"(i) shall be conditioned on payment of an annual rental at the commencement of each calendar year of the lease term and shall commence in the calendar year during which the original right of use and occupancy would have terminated; and

"(ii) shall be subject to such terms and conditions as the Secretary deems appropriate to ensure the use of the property is consistent with the purposes of this Act.

"(B) The holder of the lease whose term is extended may elect to terminate the lease prior to the expiration of the extended term.

"(C) Upon the Secretary's determination that the property, or any portion thereof, has ceased to be in accordance with the applicable terms and conditions of a lease, the Secretary may terminate the lease.

"(D) If the Secretary terminates a lease under this subsection, the Secretary shall refund to the lessee an amount equivalent to the remaining portion of the prepaid rental.

"(4) By acceptance of a lease extension under this subsection, the holder of a lease waives any benefits to which the holder may be entitled under the Uniform Relocation and Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

"(5) The amount of the annual lease payment required under this subsection shall be equivalent to the amount discounted from the purchase price paid by the Secretary under the terms of the original sale adjusted annually by a general index adopted by the Secretary reflecting overall value trends within the Indiana Dunes National Lakeshore between the time of the original sale and the time of the commencement of the annual lease payment of the renegotiated retained right offered by this subsection.".

(d) CLERICAL AMENDMENT.—Section 5(a)(1) of the Act (16 U.S.C. 460u-5(a)(1)) is amended by striking the period after "626-91014" the first place it appears and inserting a comma.

SEC. 8. COOPERATIVE AGREEMENT.

The Act, as amended by section 6, is amended by adding at the end thereof the following new section:

"SEC. 28. In furtherance of the purposes of this Act, the Secretary may enter into a cooperative agreement with the city of Gary, Indiana, pursuant to which the Secretary may provide technical assistance in interpretation, planning, and resource management for programs and developments in the city of Gary's Marquette Park and Lake Street Beach.".

SEC. 9. UNIT I-M.

The Act, as amended by section 8, is amended by adding at the end thereof the following new section:

"SEC. 29. (a)(1) UNIT I-M.—Before acquiring lands or interests in land in Unit I-M (as designated on the map referred to in the first section of this Act), the Secretary shall consult with the Commissioner of the Indiana Department of

Transportation to determine what lands or interests in lands are required by the State of Indiana for improvements to State Road 49 and the reconstruction and relocation of the interchange with State Road 49 and U.S. 20 so that the acquisition by the Secretary of lands or interests in land in Unit I–M shall not interfere with planned improvements to the interchange and State Road 49 in the area.

"(2) The Secretary may acquire lands or interests in land that are as of July 1, 1990, and that thereafter remain in use as improved residential properties within Unit I–M only with the consent of the owner.".

"(b) UNIT VII–D.—Before acquiring any lands or interest in land in Unit VII–D (as designated on the map referred to in the first section of this Act) the Secretary shall consult with the Commissioner of the Indiana Department of Transportation to determine what land or interests in land are required by the State of Indiana for improvements to Old Hobart Road and reconstruction and relocation of the intersection of Old Hobart Road and State Road 51 so that the acquisition by the Secretary of lands or interests in lands in Unit VII–D will not interfere with planned improvements to the interchange and Old Hobart Road in the area.".

SEC. 10. GREENBELT.

Section 18 of the Act (16 U.S.C. 460u–18) is amended—

(1) by inserting "(a)" after "Sec. 18."; and

(2) by adding at the end thereof the following new subsection:

"(b)(1) If Northern Indiana Public Service Company (referred to as 'NIPSCO') is agreeable, the Secretary shall enter into a memorandum of agreement with NIPSCO that shall provide for the following with respect to the area referred to as Unit II–A on the map described in the first section of this Act (referred to as the "Greenbelt"):

"(A) NIPSCO shall provide the National Park Service with access for resource management and interpretation through the Greenbelt and across the dike for purposes of a public hiking trail.

"(B) The National Park Service shall have rights of access for resource management, and interpretation of the Greenbelt area.

"(C) NIPSCO shall preserve the Greenbelt in its natural state. If NIPSCO utilizes the Greenbelt temporarily for a project involving pollution mitigation or construction on its adjacent facilities, it shall restore the project area to its natural state.

"(D) If NIPSCO proposes a different use for the Greenbelt NIPSCO shall notify the National Park Service, the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on

Energy and Natural Resources of the Senate and make no change in the use of the property until 3 years after the date notice is given.

"(2) If a memorandum of agreement is entered into pursuant to paragraph (1), so long as the memorandum of agreement is in effect and is being performed the Secretary may not acquire lands or interests in land in the Greenbelt belonging to NIPSCO.".

SEC. 11. VISITOR CENTER.

In order to commemorate the vision, dedication, and work of Dorothy Buell in saving the Indiana Dunes, the National Park Service visitor center at the Indiana Dunes National Lakeshore is designated as the "Dorothy Buell Memorial Visitor Center".

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

Section 9 of the Act (16 U.S.C. 460u–9) is amended—

(1) by inserting "(a)" after "SEC. 9.";

(2) in the first sentence of subsection (a), as designated by paragraph (1), by striking "20,000,000" and inserting "27,500,000"; and

(3) by adding at the end thereof the following new subsection:

"(b) Subject to the limitations provided in subsection (a) for development, there are authorized to be appropriated such sums as are necessary to carry out this Act.".

II

101st CONGRESS
2d Session

H. R. 3209

IN THE SENATE OF THE UNITED STATES

May 4 (legislative day, April 18), 1990

Received; read twice and referred to the Committee on Energy and Natural Resources

AN ACT

To modify the boundaries of the Indiana Dunes National Lakeshore, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indiana Dunes National Lakeshore Access and Enhancement Act".

SEC. 2. BOUNDARIES.

The first section of the Act entitled "An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes", approved November 5, 1966 (16 U.S.C. 460u), is amended by striking out "October 1986, and numbered 626–80, 033–B" and inserting in lieu thereof "March 1990, and numbered 80,038A".

SEC. 3. ROAD RIGHTS-OF-WAY.

The Act entitled "An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes", approved November 5, 1966 (16 U.S.C. et seq.) is amended by adding at the end the following new section:

"SEC. 25. (a) Within 180 days after the date of enactment of this section, the Secretary shall prepare and submit to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report identifying road rights-of-way within the boundaries of the lakeshore that are proposed to be relinquished, as well as any actions taken to date to effectuate the relinquishment of such rights-of-way and a summary of any impediments there may be to each relinquishment. The Secretary shall take such action as he deems necessary to notify Federal, State, and local transportation authorities of road rights-of-way so identified.

"(b) The Secretary is authorized to reimburse the appropriate political subdivision for reasonable administrative costs associated with vacating each road right-of-way within the boundaries of the lakeshore.".

SEC. 4. RIVER CORRIDORS AND WETLAND STUDIES AND PLANS.

Section 2 of the Act entitled "An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes", approved November 5, 1966 (16 U.S.C.

460u–1) is amended by adding the following new subsection at the end thereof:

"(c)(1) Within two years following the date of enactment of this subsection, the Secretary shall complete a protection plan for the areas identified as Unit VIII–A, 'Little Calumet River Corridor' and VIII–B 'Salt Creek Corridor' on the map referred to in the first section of this Act. The plan shall include, but shall not be limited to, a determination of the lands, waters and interests therein to be acquired to provide for the protection of these riverine and wetland systems. The plan shall also include provisions for public access for the purposes of fishing, canoeing, hiking and other public activities consistent with continued wetland and resource protection.

"(2) Within two years following the date of enactment of this subsection, the Secretary shall complete a study of the Deep River Corridor. The area to be studied shall include (A) the segment from the abandoned Chesapeake and Ohio Railroad right-of-way south of the existing Deep River County Park to the confluence of Deep River, (B) that portion of the Little Calumet River from Lake Michigan west to Martin Luther King Drive in Gary, Indiana, and (C) the Lake George Segment of the Deep River Corridor, including an area known as the Hobart Prairie Grove on the northwest side of Lake George. The study shall include an inventory of the area's natural, cultural and recreational values and features; recommendations for the provisions of the public access for the purposes of fishing, canoeing, hiking and other public activities; and a determination of the lands, waters and interests therein recommended to provide for the protection of the resources in the corridor, including recommendations regarding the State, local, or Federal agencies or jurisdictions recommended to administer these lands and interests in lands.

"(3) Within two years following the date of enactment of this subsection, the Secretary shall complete a study of the Beverly Shores wetlands. The study shall include an inventory and description of all wetlands identified by the United States Fish and Wildlife Service on National Wetlands Inventory maps in the town of Beverly Shores currently outside the boundaries of the lakeshore and shall make recommendations on means to protect these wetlands and adjoining wetlands within the lakeshore. The recommendations may include recommendations for the acquisition of such lands or interests in lands as are necessary to ensure protection of the resource. In making any recommendations for acquisition, the Secretary shall give full consideration to the protection already afforded wetlands in the community of Beverly Shores by the Nontidal Wetland Protection Ordinance of the town of Beverly Shores.

"(4) Within one year following the date of enactment of this subsection, the Secretary shall complete a study of Union Station, which is located directly adjacent to the western boundary of the lakeshore. In conducting such study, the Secretary shall examine the feasibility of United States ownership of Union Station and shall include in the study a structural analysis and feasibility study of the possible uses of the structure, including renovation as a multi-use facility.

"(5) The Secretary shall submit the results of the plans and studies prepared under this subsection to the Committee on Interior and Insular Affairs of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate.".

SEC. 5. IMPROVED PROPERTY; RETENTION OF RIGHTS.

(a) ADDITIONAL AREAS.—The table in section 4 of the Act entitled "An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes", approved November 5, 1966 (16 U.S.C. 460u–3) is amended to read as follows:

"Property Within Boundaries of Map	Construction Began Before
Dated March 1990, No. 80,038A	August 1, 1989
Dated October 1986, No. 626–80, 033–B	February 1, 1986
Dated December 1980, No. 626–91014	January 1, 1981
Dated September 1976, No. 626–91007	February 1, 1973
Dated September 1966, No. LNPNE–1008–ID	January 4, 1965".

(b) RETENTION OF RIGHTS.—Section 5(a) of such Act (16 U.S.C. 460u–4) is amended—

(1) in paragraph (2)(B), by striking "subparagraph (A)" and inserting "subparagraph (A)(ii)"; and

(2) by adding at the end the following:

"(3)(A) In the case of improved property included within the boundaries of the lakeshore after August 1, 1989, which was not included within such boundaries before that date, any individual who is an owner of record of such property as of that date may retain a right of use and occupancy of such improved property for noncommercial residential purposes for a term ending at either of the following:

"(i) A fixed term not to exceed September 30, 2010, or such lesser fixed term as such owner may elect at the time of acquisition.

"(ii) A term ending at the death of such owner or of the owner's spouse.

The owner or owners shall elect the term to be reserved.

"(B) The provisions of subparagraph (A)(ii) shall apply only to improved property owned by an individual who (i) was an owner of record of the property as of August 1, 1989, (ii) had attained the age of majority as of that date, and (iii) made a bona fide written offer not later than July 1, 1994, to sell such property to the Secretary.".

(c) CLERICAL AMENDMENT.—Section 5(a)(1) of such Act is amended by striking the period after "626-91014" and inserting a comma.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

The first sentence of section 9 of the Act entitled "An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes", approved November 5, 1966 (16 U.S.C. 460u–8) is amended by striking out "lands and interests in lands" and all that follows through "development:" and inserting in lieu thereof "lands and interests in lands nor more than $27,500,000 for development:".

SEC. 7. COOPERATIVE AGREEMENT.

The Act entitled "An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes", approved November 5, 1966 (16 U.S.C. 460u and following) is amended by adding the following new section at the end thereof:

"SEC. 26. COOPERATIVE AGREEMENT.

"In furtherance of the purposes of this Act, the Secretary is authorized to enter into a cooperative agreement with the city of Gary, Indiana, pursuant to which the Secretary may provide technical assistance in interpretation, planning, and resource management for programs and developments in the city of Gary's Marquette Park and Lake Street Beach.".

SEC. 8. UNIT I–M.

The Act entitled "An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes", approved November 5, 1966 (16 U.S.C. 460u and following) is amended by adding the following new section at the end thereof:

"SEC. 27. UNIT I-M AND UNIT VII-D.

"(a) UNIT I-M.—Before acquiring lands or interests in lands in Unit I-M (as designated on the map referred to in the first section of this Act), the Secretary shall consult with the Commissioner of the Indiana Department of Transportation to determine what lands or interests in lands are required by the State of Indiana for improvements to State Road 49 and the reconstruction and relocation of the interchange with State Road 49 and U.S. 20 so that the acquisition by the Secretary of lands or interests in lands in Unit I-M shall not interfere with planned improvements to such interchange and State Road 49 in the area.

"(b) UNIT VII-D.—Before acquiring lands or interests in lands in Unit VII-D (as designated on the map referred to in the first section of this Act) the Secretary shall consult with the Commissioner of the Indiana Department of Transportation to determine what lands or interests in lands are required by the State of Indiana for improvements to Old Hobart Road and reconstruction and relocation of the intersection of Old Hobart Road and State Road 51 so that the acquisition by the Secretary of lands or interests in lands in Unit VII-D will not interfere with planned improvements to such interchange and Old Hobart Road in the area.".

SEC. 9. CRESCENT DUNES.

Section 12 of the Act entitled "An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes", approved November 5, 1966 (16 U.S.C. 460u-12) is amended to read as follows:

"SEC. 12. The Secretary is authorized to acquire the area on the map referred to in the first section of this Act as area III-B.".

SEC. 10. GREENBELT.

Section 18 of the Act entitled "An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes", approved November 5, 1966 (16 U.S.C. 460u-12) is amended—

(1) by inserting "(a)" after "SEC. 18."; ~~and~~

(2) by adding at the end the following:

"(b) The Secretary shall enter into a memorandum of agreement with Northern Indiana Public Service Company (hereafter in this section referred to as NIPSCO) which shall provide for the following with respect to the area referred to as Unit II-A on the map referenced in the first section of this Act:

"(1) NIPSCO will provide the National Park Service with access through the Greenbelt and across the dike for purposes of a public hiking trail.

"(2) The National Park Service shall continue to have rights of assessment, resource management, and interpretation of the Greenbelt area.

"(3) NIPSCO will continue to preserve the Greenbelt in its natural state. If NIPSCO utilizes the Greenbelt temporarily for projects involving pollution mitigation or construction on its adjacent facilities, it will continue to restore the utilized area to its natural state.

"(4) NIPSCO will notify the National Park Service, the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate if NIPSCO proposes a different use for this property. No changes in the use of the property will take place for three years following such notification.".

SEC. 11. VISITOR CENTER.

In order to commemorate the vision, dedication, and work of Dorothy Buell in saving the Indiana Dunes, the National Park Service visitor center at the Indiana Dunes National Lakeshore is hereby designated as the "Dorothy Buell Memorial Visitor Center".

SEC. 12. AUTHORIZATION.

Section 9 of the Act entitled "An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes", approved November 5, 1966 (16 U.S.C. 460u–9) is amended—

(1) by inserting "(a)" after "Sec. 9."; and

(2) by inserting at the end the following:

"(b) Except for the limitations provided in subsection (a) for development, there are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.".

Passed the House of Representatives May 1, 1990.

Attest: DONNALD K. ANDERSON,

Clerk

II

101st CONGRESS
2d Session

S. 3048

To amend the Illinois and Michigan Canal National Heritage Corridor Act of 1984 to extend the boundaries of the corridor.

IN THE SENATE OF THE UNITED STATES

September 13 (legislative day, September 10), 1990

Mr. Simon introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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A BILL

To amend the Illinois and Michigan Canal National Heritage Corridor Act of 1984 to extend the boundaries of the corridor.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF BOUNDARIES.

Section 104(b)(1) of the Illinois and Michigan Canal National Heritage Corridor Act of 1984 (16 U.S.C. 461 note) is amended to read as follows:

"(1) The corridor shall consist of the areas depicted on—

"(A) the map entitled 'Illinois and Michigan Canal National Heritage Corridor', dated May 1983 and numbered IMC–80,000;

"(B) the map entitled 'Illinois and Michigan Canal National Heritage Corridor—Boundary Definition for portions of the Corridor East of Harlem Avenue', dated and numbered ; and

"(C) the map entitled 'Illinois and Michigan Canal National Heritage Corridor—Boundary Definition for the Lake Renwick Zone', dated and numbered ,

which maps shall be on file and available for public inspection in the offices of the Commission and in the offices of the National Park Service.".

Senator BUMPERS. Over the years the subcommittee has dealt with several measures relating to the Indiana Dunes. Legislation has been before this subcommittee in the 93d, 94th, 95th, 96th, 99th and now the 101st Congress. These bills are never without controversy, and the bills before us today are certainly no exception.

The Indiana Dunes National Lakeshore, incidentally, with which I am very familiar personally, is a very important national resource, and a natural resource not only for the people of Indiana and the Lake Michigan region, but for the entire Nation as well.

The park provides important wildlife habitat, open space, and recreational opportunities in one of the most industrialized areas of the country. At the same time, the park is located within or near several residential communities, completely encircling some. And this not only makes any expansion of the park boundaries a very sensitive issue, but also a very expensive one.

I know that both Senator Coats and Senator Lugar, as well as Congressman Visclosky, have spent a great deal of time in drafting this legislation, and I commend them for their efforts.

However, there are a number of issues that we need to study further before proceeding with this legislation.

In addition to the estimated cost of the proposed expansion, I am also concerned with the proposal in S. 2882 to extend the time period for reservation of use and occupancy permits for current inholders within the park. I hope the witnesses will address these issues and look forward to hearing the testimony of the witnesses.

Our first witness is supposed to be Senator Simon and I do not see him here. Our next witness is Senator Dan Coats. Senator Coats, we welcome you to the committee and we are pleased to hear from you.

STATEMENT OF HON. DAN COATS, U.S. SENATOR FROM INDIANA

Senator COATS. Thank you, Mr. Chairman. I know that time is of the essence here, late in the session and so I will attempt to summarize as briefly as I can my comments and then submit a more complete statement for the record.

In speaking on behalf of myself and Senator Lugar, we have jointly worked on this project for a considerable amount of time. And the legislation which we have submitted to the committee, S. 2882, reflects our joint efforts and joint thinking on the direction that we think we ought to go with this.

We have also worked with the congressional delegation. You will be hearing from Congressman Visclosky, shortly, the National Park Service, and as many interested parties as we could possibly talk to in this effort.

I personally have visited the dunes three times—once for an extended briefing and orientation and two other times privately, as well as personally talked with many of the groups that are in support of, and some in opposition to, the efforts to expand and enhance the National Lakeshore area—the Indiana Dunes National Lakeshore Park.

My staff has invested countless hours in time in Indiana and here in Washington in attempting to understand the issues and deal with the issues. And we believe, Senator Lugar and I believe, that S. 2882 represents to the best of our ability, the best compromise effort that we can come up with in terms of addressing the issues that are there.

I will not go into all the details of the legislation. Let me just touch on two or three points. And before I say that, let me indicate to you, as you are well aware, this is a—for the State of Indiana—a very unique resource. We are not a State blessed with hundreds or thousands of miles of coastline or majestic mountains or extensive woodlands, wild or scenic rivers. We are blessed with a lot of good people who grow a lot of corn and soybeans. And we have got some good flat land on which to do that and some fertile soil.

But this particular asset is a real gem. It is a real treasure. It is something that we need to protect and preserve, enhance where we can reasonably do that. And it exists in an area of the State that is one of, as you said, the most heavily industrialized areas in the world.

In fact, most Americans, and even some Hoosiers, would be stunned to come to the understanding that a National Lakeshore Park even existed in this region. Because most of them simply drive by on the toll road or the interstate highway or go by on the train and do not realize that just a short turn off one of those transportation routes takes them to one of the most beautiful, pristine, secluded, quiet, natural environmental areas that you can find anywhere in this country.

And there it sits like just a jewel along the lake. And it is something that—not only has it been a benefit for Hoosiers, but a benefit for many, many people from the State of Illinois and the city of Chicago and others from surrounding regions.

So we want to do what we can, given the limitations placed on us by this urban development, by the pressure of people living there. And clearly, in a situation like this you involve people who have property interests and longstanding involvement, property development and so forth in the area. And so you have to be very careful as to how you proceed.

The dunes has been fortunate over the years in that it has found a strong congressional commitment. And some of that commitment is sitting here in the room and will be testifying. Senator Lugar and Congressman Visclosky have fought this fight before. I am new to it as a Member of the Senate, not having represented this area of the State before. But I have attempted to immerse myself in the issue and become as familiar with it as I can, and as I said, personally visit the area and talk to the people on a number of occasions.

Let me just touch on two or three things that I know are of interest to the committee. Perhaps the issue that is most controversial is the question of the reservation of use or the leaseback—the Senate leaseback proposal. This has had somewhat of a checkered history.

In 1966, when the bill—the dunes bill was first introduced, the homeowners were given the option of up to a 25-year leaseback, or life estate. In that legislation, homes were exempt from any condemnation.

In 1976, this exemption from condemnation was repealed and the leaseback option was actually reduced from 25 to 20 years, with no life estate alternative.

And then in 1980, homeowners were given a 29-year leaseback option and all homeowners who had been given less than 25 years were allowed to extend their reservation of uses for up to 9 years. The bottom line here is that there has not been a consistent congressional policy.

What we are trying to do now is resolve this issue once and for all, so that Congress does not have to address it again. And we think that the proposal that Senator Lugar and I have advanced to the Senate, the leaseback proposal which provides extensions but does not allow any leasebacks beyond the year 2010, is a reasonable compromise.

Now we understand that obviously not everyone is going to be happy with this. It is impossible to come up with a proposal that all parties will agree to. But we think that given the concerns of the residents and given the changes in the history of this, that the S. 2882 proposal best addresses those concerns and provides the best compromise that we can come up with.

A second controversial issue is the treatment of two river corridors: the Salt Creek corridor and the Little Calumet River corridor. Senator Lugar and I were impressed with the fact that there has been a decided—what we think is a decided shift in public opinion, in homeowner opinion relative to the preservation, environmental preservation of those two corridors.

And rather than drawing lines which would include those corridors, which makes this a very, very controversial bill if we do that, we have proposed a plan which would allow local interests, local jurisdictions to have a say and play an important role in terms of preservation of those two very, very important corridors.

Our proposal has four elements: one, we require a thorough inventory of the natural values of those river corridors; secondly, we require a list of current and likely future threats to those values; thirdly, recommendations for local, State, and Federal actions to protect those values; and finally, fourth, a response from local, State, and Federal Governments as to their intentions regarding the recommendations.

In other words, we want to give all of those who have a vested interest in these corridors the option and the right to take action at the local level, at the State level, at the local jurisdictional level, and as private property owners, we want to give them the right to take actions which will preserve those particular properties.

According to our bill, the Park Service would be instructed to consult with property owners and conservation organizations as well, as I said, as local and State jurisdictions. The intention is to set the Park Service up, not as the ultimate enforcer, but as coordinator between jurisdictions with current responsibility.

We think that this is a necessary step toward ensuring that valuable wetlands and other resources are adequately protected.

The other area I wanted to talk about, Mr. Chairman, will be my last—although there are other elements to the bill that maybe others will want to talk about. It is the acquisition of Crescent Dune.

Crescent Dune is the last opportunity for the Indiana Dunes National Lakeshore to acquire an unspoiled dune. And the current owner of the property, the Northern Indiana Public Service Company, is a willing seller. So we have an opportunity, in a sense, to round out the eastern side of the park, right next to an area called Mount Baldy, which is a beautiful, pristine, moving dune. We have a dune called Crescent Dune, bordered on the east side by the Northern Indiana Public Service Company coal-burning power plant. It is, in a sense, an illustration of what this park is all about.

People say, why buy a piece of property right next to a coal power plant? And they look at the value of that and say how can it be worth that much? But it is a perfect illustration, as I said, of what this whole Lakeshore Park is all about and that is creating an environmental jewel of National Lakeshore property coexistent with all the industrial development that exists.

And Senator Lugar and I believe that purchase of Crescent Dune does illustrate that coexistence between industrial, residential and environmental interests ought to be included. We have included a valuable parcel of land known as Hobart Prairie Grove, one of the few remaining unspoiled prairie forests in the Midwest. And a number of other noteworthy additions have been included, of which you have information on.

Let me just conclude, Mr. Chairman, by saying that the effort that we put forward here in S. 2882 represents a substantial commitment on the part of Senator Lugar and myself and our staffs to try to find the best compromise in what is admittedly a very difficult effort here to resolve all of the conflicting interests that exist between property owners and industrial owners and jurisdictions and those who want to preserve and enhance this environmental gem that exists in northern Indiana.

So we are happy to work with you. We have been happy to work with Congressman Visclosky, and all of those that are interested in expanding this Lakeshore Park and enhancing its access to literally millions of our citizens in future years. And we will, of course, be happy to work with you and the committee in fashioning a bill that can perhaps provide a model for where this Nation goes in the future in terms of the coexistence of natural areas and urban-developed areas.

Thank you, Mr. Chairman.

[The prepared statement of Senator Coats follows:]

PREPARED STATEMENT OF HON. DAN COATS, U.S. SENATOR FROM INDIANA

Mr. Chairman, thank you for allowing me to testify today. I know that for you and several of our colleagues, this is not the first Dunes bill you have considered. But for me, this has been the first bill to expand the Indiana Dunes National Lakeshore, and, to put it mildly, it has been an educational experience.

I first visited the Indiana Dunes shortly after I was appointed to the Senate, in early 1989. I was fascinated by this island of natural beauty amid a sea of industrial sprawl. I don't know if you, Mr. Chairman, or any of the other Committee members have ever visited the Dunes, but if you did you would find a lakeshore of sandy beaches 50 miles long just across Lake Michigan from the city of Chicago. In fact, despite heavy industrial activity, and the resulting emissions, on a clear day you can see the Chicago skyline from the top of Mount Baldy, on the easternmost edge of the Park.

You can see wooded dunes and marshy thickets, from the steel plants of Gary, in Lake County to the Michigan City power plant in Porter County. The epitome of an urban park, Indiana Dunes is within 100 miles of 10 million people, and just 45 miles from Chicago.

It is this proximity to major urban areas that has made Indiana Dunes unique—and controversial. The boundaries of the current National Park are under constant development pressure, their environmental integrity is constantly being tested by nearby industry, residential areas, and commercial development. During the 1980's, Gary has experienced terrible recession, and is just now beginning to see the economic recovery that most of the country experienced five or six years ago.

But the Dunes have been fortunate over the years. It has found strong Congressional commitment, and much of that commitment is sitting right here in this room. My colleagues from Indiana, Senator Lugar and Congressman Visclosky, have fought this fight before, and are experienced at finding the delicate balance between urban pressures of growth and environmental preservation. And while we haven't always agreed, even among ourselves, I know that we are all proud of the wonderful contribution Indiana Dunes has made to the state of Indiana, and I believe we have each wanted the best for it.

We are here today with two pieces of legislation. H.R. 3209 sponsored by my colleague, Congressman Visclosky of Indiana's First District, has passed the House of Representatives. Senator Lugar and I have introduced S. 2882, which has been referred to this Committee. The two bills are substantially alike, and we have all pledged to work together to pass legislation that will be a proud addition to the Indiana Dunes National Lakeshore.

At this time, I would like to address a few of the details of the legislation which Senator Lugar and I have introduced. I have personally talked with environmental groups, such as the Save the Dunes Council, which will testify on a later panel; leaseback holders, who are also represented on a later panel; property owners from all the areas in Lake and Porter County, who will be part of the same panel. I think you will find, Mr. Chairman, that while these witnesses may disagree on specific proposals before Congress, they are united in their determination to do what is best for northwestern Indiana: to preserve its future by protecting its scarce natural resources while, to the extent possible, respecting the rights of those who have been responsible for protecting them in the past.

First, I will address an issue which clearly has national implications: the proposed extension of reservations-of-use (ROUs) to 29, not to exceed 2010. This is commonly called "the Senate leaseback proposal."

Mr. Chairman, the evolution of Indiana Dunes since it was first created in 1966 has also seen the evolution of the National Park Service as a major protector of our natural resources. Indeed, I believe that watching the Dunes over the years gives one a good sense of the environmental movement itself from 1966 to the present.

As a relative newcomer to the Dunes issue, I am not as fully versed on this important issue as some in Indiana. Nevertheless, I would like to attempt to explain the progress of events, as I understand them, which convinced me of the fairness in the leaseback extension language included in S. 2882.

In 1966, when Indiana Dunes was established, homeowners were given the option of up to a 25-year leaseback or life-of-state. In that legislation, homes were exempt from condemnation. In 1976, however, not only was the exemption from condemnation repealed, but the leaseback option was reduced from 25 to 20 years, with no life-of-state alternative. Finally, in 1980 homeowners were given a 29 year leaseback option. At that time, all homeowners who had been given less than 25-years were allowed to extend their ROUs for up to nine years.

The bottom line here, is that Congress has not been consistent in its ROU policy. Lakeshore residents who sold their homes in 1977, for instance were penalized when their neighbors who held out until 1982 got 29 years instead of their 20. Many of these original leasebacks have since expired, and it is impossible to give them the opportunity to further extend. However, many of the leasebacks are scheduled to expire between now and 1995. That is why it is urgent that we address this question now, once and for all.

Some parties who have an interest in the Lakeshore have asked if the park will ever be finished. I believe this is a legitimate question. The Senate leaseback proposal would not allow any leasebacks beyond the year 2010. In addition, the future leaseback language included in both H.R. 3209 and S. 2882 requires that all leasebacks expire in 2010. I believe this indicates that the time is coming when the Park will be finished.

Mr. Chairman, the National Park Service authority to purchase land without the consent of the owner has always been controversial. I believe that when the federal government does use the power of condemnation, that we in Congress have a responsibility to see that the affected homeowners are treated fairly and equitably. I believe the Senate leaseback language does just that.

As you can see, Mr. Chairman, the leaseback issue is a complicated issue. However, it is certainly not the only Dunes issue, nor is it the most complicated. By far the most controversial of the issues surrounding S. 2882 and H.R. 3209 is their respective treatments of two river corridors in Porter County: Salt Creek and the Little Calumet River.

I will let my colleague Congressman Visclosky explain the provisions of his bill, which was passed by the House before Senator Lugar and I introduced our legislation. But I believe it is accurate to say that, after passage of H.R. 3209, and before and after introduction of S. 2882, controversy over the river corridors has raged in northwest Indiana, with concern for their natural preservation on one side, and concern about the property rights of the residents on the other.

First, I believe it is accurate to say, and I hope Mr. Visclosky will agree with me, that the majority of residents in the Salt Creek and Little Calumet River do not want to be included in the Park. I will also say, though I am not certain he will agree with me in this regard, that while there may have been some isolated cases of wetlands dumping or destruction of the natural values of the corridors, for the most part the residents of these areas have lived compatibly with the land.

If there are wetlands violations along the river corridors, these must be stopped. I am aware of the significant development pressure which Porter County will see in the very near future, and this must be carefully controlled so as to be compatible with environmental preservation. However, I believe both these goals can be achieved without outright federal acquisition: through better coordination between current local, state and federal agencies; and better enforcement of existing law.

The provisions regarding the river corridors which Senator Lugar and I have proposed in our bill have four important elements:

(1) A thorough inventory of the natural values of the river corridors;

(2) A list of current and likely future threats to those values;

(3) Recommendations for local, state and federal actions to protect those values; and finally,

(4) Response from local, state and federal governments as to their intentions regarding the recommendations.

According to our bill, the Park Service would be instructed to consult with property owners and conservation organizations, as well as local and state jurisdictions. The intention is to set the Park Service up, not as the enforcer themselves, but as coordinator between jurisdictions with current responsibility. We believe this is a necessary step toward ensuring that valuable wetlands and other resources are adequately protected.

I have been encouraged to note that the Northwestern Indiana Regional Planning Commission (NIRPC), a coalition of county, township, city and town officials, has begun to investigate the role of local governments in environmental protection. I believe this is a tremendous step toward encouraging protection of natural resources without violating private property rights.

The second area which I would like to discuss, Mr. Chairman, has been far less controversial back in Indiana, at least as far as the Senate bill is concerned. S. 2882 repeals the prohibition against Park Service acquisition of Crescent Dune, on the far eastern edge of the Park. Crescent Dune is the last opportunity for the Indiana Dunes National Lakeshore to acquire an unspoiled Dune, and the current owner of the property, Northern Indiana Public Service Company, is a willing seller.

Crescent Dune, bordered on the west by Mount Baldy, a beautiful, pristine, moving dune; and on the east by NIPSCO's Michigan City coal burning electric power plant, is a wonderful illustration of what the Dunes is all about: coexistence between industrial, residential and environmental interests.

Another important natural area included in S. 2882 is a valuable parcel of land known as Hobart Prairie Grove. Hobart Prairie Grove is one of the few remaining unspoiled prairie forests in the Midwest. The parcel contains an abandoned railroad track, and is a wonderful opportunity for "rails to trails" access through a section of prairie containing rare plants and wildlife.

Mr. Chairman, there are a number of other noteworthy additions to the Lakeshore which have been included in the Senate bill. I will not discuss each one of them individually at this time, but I welcome questions and look forward to working with you to see an Indiana Dunes expansion bill enacted this year.

Senator **Bumpers**. Thank you very much, Senator Coats.

When I was a young student at Northwestern University Law School, I almost got conned into investing in a summer stock theater in Michigan City. I had $10,000 that my father had loaned me and damn near lost every penny of it in that.

[Laughter.]

Senator BUMPERS. But in visiting Michigan City, I found those dunes down there, and Betty and I used to go down there occasionally on weekends. It is a really magnificent area. And I had not thought about it anymore until I came here and I guess Senator Bayh had some legislation here that I thought was unduly expensive. I remember putting a hold on his bill because at that time I was also chairman of this subcommittee, and I thought that was much too high.

But I am certainly willing to do all I can to help preserve all this area that we can afford to. I am told that the Crescent Dune could cost as much as $10 million, which is an awful lot of money given the constraints that we are operating under around here.

By the same token, I was just wondering, if we did, at some time in the future, authorize this—the buying of that area—if we could get some kind of agreement. How old is that powerplant, incidentally, that is next door to Crescent Dune? Do you know?

Senator COATS. How old is it?

Senator BUMPERS. Yes. Do you know what the life expectancy of it is?

Senator COATS. It is about 20 years old now and I do not know what the life expectancy is.

Senator BUMPERS. So it has got about 15 years or 20 years left of life?

Senator COATS. I would guess. I would guess that is correct.

Senator BUMPERS. I wonder if we wound up doing that if we could also get some kind of an agreement from NIPSCO to agree not to rebuild on that site?

Senator COATS. I would be certainly willing to explore that with NIPSCO. I have not discussed that issue with them and I do not know what their future plans are for that. But I would be happy to explore that and get the answer back to you.

Senator BUMPERS. Well, Crescent Dune is certainly worth saving. It is a beautiful, pristine area. But it would be of much more aesthetic value if we did not have that power plant next door.

Senator COATS. It would. I think one of the concerns, Mr. Chairman, is that property is, if not used for expansion for the powerplant, a very viable property for condo development or residential development. And I think the concerns of those who are interested in preserving the environmental qualities of the National Lakeshore Park are concerned that if it is not included in the park at this particular time, it may be sold and developed. And the last thing we want is a high-rise condominium there.

You could—people would say why would you want to do that next to a powerplant? Well, given the configuration of the lake, and if you were at Northwestern you know how the lake curves around, you could easily tilt the development so that you had a beautiful view of the Chicago skyline and the lake and have all the power plant behind you. And I think that would be a real detriment—have a real detrimental effect on Mt. Baldy and other parts of the park.

And so part of the rationale here is to protect the land from being developed for other uses that would have a detrimental impact on the park.

Senator BUMPERS. Thank you very much, Senator Coats.

Senator **Coats**. Thank you, Mr. Chairman.

Senator **Bumpers**. Senator Simon has joined us now. Senator Simon, we are pleased to have you with us and anxious to hear your testimony.

STATEMENT OF HON. PAUL SIMON, U.S. SENATOR FROM ILLINOIS

Senator **Simon**. Thank you very much, Mr. Chairman. If I could just add a word on the dunes.

When my predecessor once removed, Paul Douglas, would have fought for the dunes and he suffered several strokes after being defeated for the Senate and he could only whisper. And he would whisper, when I was young, I wanted to save the world. And he said, then I was a little older and I wanted to save the Nation. And all I want to do now is save the dunes. And he believed in that very strongly.

Senator **Bumpers**. That is a good incentive, if you are going to stroke out after you leave here, for staying, is it not?

[Laughter.]

Senator **Simon**. Was that directed at me, Mr. Chairman?

[Laughter.]

Senator **Bumpers**. Paul Douglas was your Senator when I was a student there.

Senator **Simon**. He was a great Senator.

I am here to urge your committee to act on a bill to expand the boundaries of the Illinois and Michigan Canal National Heritage corridor. It is a unique thing. The City of Chicago favors it. It is a way, at virtually no cost to the Federal Government—you have got to change maps a little bit or something like that—to save park territory.

Now frankly, the Park Service, I understand, is going to oppose the bill. They have, in general, not been sympathetic to urban parks. I think urban parks are extremely important. I am from a rural area, and I love that rural area. I live right next to the Shawnee National Forest. But I also think it is important for people in the urban settings to have a park area, too.

Jerry Adelmann is here and will testify and give you more details. But it is simply an extension of what is already there. A commission has recommended it. It just seems to me it is one of those small things that can help to preserve open space and to preserve some cultural opportunities for people in the area of Chicago.

[The prepared statement of Senator Simon follows:]

PREPARED STATEMENT OF HON. PAUL SIMON, U.S. SENATOR FROM ILLINOIS

Mr. Chairman, thank you for holding a hearing on my bill, one I believe has great merit. I am a proud advocate of the Illinois and Michigan Canal National Heritage Corridor and I appreciate the opportunity to testify once again before your subcommittee. I was active in legislation to establish the I&M Canal National Heritage Corridor Commission and to designate the Corridor and I continue to be active in its development.

The purpose of this bill is to expand the Corridor boundaries to include areas that I and other members of the Illinois delegation had always understood to be part of the Corridor. The 1984 legislation establishes the eastern boundary of the Corridor at Harlem Avenue. At the time the legislation was passed, work was still being done with local governments, community organizations, and business leaders to include the area east of Harlem Avenue in the City of Chicago extending along the Chicago River to Navy Pier and extending along the Cal-Sag Channel to Calumet Harbor. In

1987, the federally appointed Illinois and Michigan Canal National Heritage Corridor Commission determined that these important waterways and surrounding neighborhoods were intended to be included in the Corridor and should now be added.

The 1984 legislation was designed to allow boundary modification, authorizing the Secretary of Interior to make minor revisions. The I&M National Heritage Corridor Commission formally requested that the Secretary of Interior refine the boundaries to include the areas surrounding the waterways in Chicago. The Secretary did not feel that the change proposed was minor and said that Congressional action would be needed. S. 3048 is the necessary legislation to enact the boundary recommendation of the National Heritage Corridor Commission.

Mr. Chairman, the I&M National Heritage Corridor has national and local significance and it deserves the continued support of this subcommittee. It is the first urban cultural park of its kind. The Corridor is built upon the unique historic and natural resources that led to the development of river towns in northeastern Illinois, including Chicago, and it fosters economic growth within the context of this heritage. The Corridor has become a national model for enhancing and leveraging investment in our national heritage with a minimum of federal dollars invested.

Mr. Chairman, the Park Service has previously raised some concerns about additional costs if the boundaries are expanded east of Harlem Avenue, particularly to complete its responsibilities for architectural and historic resources surveys. Clearly any cost estimate is premature at this time, before taking into account the considerable resources that already exist in the City of Chicago and the State of Illinois.

The City has almost completed its comprehensive ward-by-ward survey of historic architecture certified by the State Historic Preservation Agency. Survey work, while important, is long term and would not cause any immediate or excessive expenditures in any case, even if this extensive preliminary work were not in existence. Because the designation is interpretive and not regulatory, there should be virtually no other additional Administrative costs.

Mr. Chairman, I offer my thanks to you and this subcommittee for your past support for this exciting and innovative project I believe has great historic, cultural and economic significance. It is my hope that this bill to expand the boundaries of the Corridor can be acted on before the adjournment of this Congress.

Senator BUMPERS. Senator Simon, I used to go back home on the west side of Chicago. Harlem Avenue runs north and south, does it not?

Senator SIMON. Well, it is kind of an angled street, frankly.

Excuse me, Harlem does run north and south, yes.

Senator BUMPERS. I just want to get the picture straight. So Harlem Avenue is about 130—let us see—it is a good ways out west, is it not?

Senator SIMON. It is.

Senator BUMPERS. I think I have got this boundary that you are asking for in my mind, now, Senator. Let me just say, I agree with you on urban parks. I have to confess that when I was Governor of my State, some of the best things that happened, I was originally opposed to and my staff hammered on me and hammered on me until I did them. One was buying the Diamond Mine State Park. You know, we have the only diamond mine in North America, in Arkansas, and the guy that owned it went bankrupt. We could have bought it for $400,000 but by the time they changed my mind, it cost us $600,000. That is the way we politicians operate.

But the other thing was, back when HUD had a lot of urban park money, there was a place out west of Little Rock. And HUD said if you will convert that, and if you want to make that an urban park, easily accessible to a metropolitan area, well, we will give you $700,000 to help you buy the land.

And I went out there and looked, and all I could see were a bunch of old shacks and abandoned tires and refrigerators on the road. And it was just the most horrible looking place I ever saw.

And I told my parks directors, I said you need a saliva test, trying to con me into making that an urban park. And he finally drew such a beautiful picture of it, I agreed. And we went along with it and we put, initially, we got $700,000 from the Federal Government, and we got something over $1 million in State money in it. And we have added to it a lot since then. And I wish you could all see it now.

It is an unbelievable place, and the most heavily—obviously the most heavily visited park anywhere near Little Rock.

So I agree with you on urban parks. I am a country boy, too. But having urban parks accessible to where most of the people are is a highly desirable goal.

Senator Simon, we will certainly try to help you with this.

Senator **Simon**. Thank you very, very much. I appreciate it.

Senator **Bumpers**. Our next witness is Congressman Visclosky.

STATEMENT OF HON. PETER J. VISCLOSKY, U.S. REPRESENTATIVE FROM INDIANA

Mr. **Visclosky**. Mr. Chairman, first of all, I want to thank you for holding hearings today. I recognize the tremendous time constraints you are operating under. I am here to indicate to the subcommittee my support for S. 2882. And I want to thank Senator Lugar and Senator Coats for their tremendous cooperation in working with me as the original sponsor of the House legislation in trying to reach a compromise that is acceptable to most parties.

In the end, what I would like to do is to touch upon eight points for you today. And that is, to enumerate my position for the committee in terms of the differences between the House and Senate versions.

In terms of the Beverly Shores parcel, I certainly would have no objection to the Senate revision for the acquisition of certain wetlands in the Beverly Shores community, as opposed to the study language in the House-passed version.

I would also not have an objection to the exclusion of two roadways, which in the House version are included within the authorized boundaries of the lakeshore. However, I am opposed to the Senate provision that would exclude what is commonly referred to as the Greco Pizzaria to provide for some additional public access to the lakeshore, in terms of parking in the Beverly Shores community.

The second provision in S. 2882 that differs from the House is the Hobart Prairie Grove. It is enumerated as Senate parcel 9A in the legislation, and I certainly agree with its inclusion and do not have a difference.

In terms of the provisions dealing with the community called Furnessville, I have, again, acceded to the Senate position and do believe that given the change in House language in terms of home ownership, that the Senate language is preferable.

In terms of a provision dealing with a green corridor at the entrance of the Indiana State Park, as well as a portion of the Indiana Dunes National Lakeshore along State Road 49, I do have serious reservations about the proposal pending in the Senate.

First of all, I do believe that on the part of some, my original intent was misinterpreted. It was not simply an intent to prevent the later commercial development of the corridor, but ultimately down the road, long after at least I am gone from the scene, that that is a pristine, green corridor.

Secondly, I think it is a mistake to have differing provisions within the same bill that would treat some homeowners with a preference, as opposed to all of the rest.

And finally, in terms of at least one proposed solution, and that is to take the proposed homeowner language for those who live along the corridor of Route 49 and expand it to all of those who would be affected by the legislation, I also do not think that that would be a preferable course of action.

The fifth point where there is a difference is the proposal in the House legislation to study the inclusion of Union Station in Gary, which is at the far west terminus of the Indiana Dunes National Lake Shore. I understand that the National Park Service has serious reservations about the possible inclusion of the station, but I do think that the question of what should be done with Union Station—is it a viable alternative in terms of inclusion—should be studied by the Park Service.

We have a new city administration in the city of Gary. Mayor Tom Barnes is working diligently to try to begin to do things to revitalize the downtown area. The station is near a major new transit station and system in terms of access from the Indiana Toll Road. And I do think it warrants consideration.

The sixth point that I would touch on is the controversy over the river corridors. And I would respectfully also register my disagreement with the Senate proposal. As I understand it, it provides for essentially a 3-year study as to what should be done to preserve the river corridors. It is essentially dependent upon the intent of the property owners, and in the end, the sole Federal responsibility and involvement over the longer term simply alludes to monitoring of the situation. I think in the past, in terms of preservation of wetlands, access to the corridor for potential recreational activities, State, and local enforcement historically has been inadequate.

Secondly, while I do believe that the current property owners are well intentioned, there is no guarantee regarding potential activities in the future.

And finally, in terms of the House version, there is an authorized plan. Potentially, some acquisition may be desired, easements, or other management prerogatives, but in the end, you would have input from the National Park Service. And again, I think that that is a preferable course of action.

I must indicate to the committee that my sense of the river corridors has also changed in terms of my priorities. Initially, I was focused more in terms of recreational opportunities, with a secondary concern about preservation. And essentially, those personal motivations of mine now have been inverted.

And I would simply, in conclusion, in terms of the river corridors, point out one additional distinction. And that is to remind the committee that the Little Calumet, east leg corridor does attach a disconnected portion of the park to the rest of the Indiana Dunes National Lakeshore.

The seventh point, and you alluded to it in your opening remarks and I recognize that at least on the House side there is serious reservation about dealing with the question of leaseback holders. This is the second time that I have introduced a dunes legislation. In the first set of legislative initiatives, I was silent in terms of legislative activity on that very question. So I personally appreciate your reservations.

However, I do believe that a gentleman by the name of Gray Peterson has worked diligently, with a good heart, to try to reach a reasonable compromise that has some balance and consistency to it. And in the end, in terms of the raw number of years that homeowners will be present, given the current parcels, you will see less number of years in terms of inholdership than you do under existing statute. And I do think it warrants serious consideration.

The final point I would make, and I appreciate your concern over the cost of acquisition of certain of these parcels, is in the end, I think that we must take two perspectives: one is a long-term perspective, recognizing that time is running out, if we are talking about areas of urban density, urban parks. And that is that the real tension in terms of the Indiana Dunes National Lakeshore now is not so much industry versus the environment, but the fact that after a generation, people recognize it is a tremendous resource and they want to live in and around the dunes. And so you have tremendous residential and light commercial developmental pressure and in the end, to ensure the preservation of some of these areas that could forever be lost, I think we have got to keep that in mind.

And secondly, and I know in a sense it is a spacious argument, this is authorization legislation. And in the end, it is dependent upon people such as myself to ensure that the appropriations are there. And I do believe that given the merits of the inclusions in the bill pending before you, that we will be successful in that endeavor.

[The prepared statement of Mr. Visclosky follows:]

PREPARED STATEMENT OF HON. PETER J. VISCLOSKY, U.S. REPRESENTATIVE FROM INDIANA

Mr. Chairman, I would first like to thank you and the subcommittee for giving me the opportunity to testify. I must also commend Senators Coats and Lugar, and their staffs, for their thoughtful and persistent work—without which we would not be here today.

Today, you will hear many comments in praise of the Indiana Dunes National Lakeshore. I will not take your time with lengthy statements about the values of this national park. My support of the park is well-known. I will, however, pause to say that I echo these praises wholeheartedly. The Indiana Dunes National Lakeshore is truly a national treasure.

The Senate bill, while differing in some respects from my legislation, has captured the basic philosophy of enhancing public access that I began with almost two years ago. After such a lengthy and complex process, I believe that it is a testimony to the value of this national park that the Senators and I agree on 95 percent of the issues involved. I have only four objections to S. 2882.

My first objection concerns the Senate bill's omission of the Greco property located in Beverly Shores along Broadway (within area III-G of H.R. 3209). This parcel was included in my legislation because of the need to increase public access to the National Lakeshore's Lake View facility in Beverly Shores. The existing parking situation is insufficient and retards public access to the site. The Greco property would allow for additional parking in the immediate vicinity of the park's beach facility. Furthermore, the owner of the property is a willing seller and welcomes its inclusion in the national park. The Greco property should become part of the National Lakeshore.

Second, S. 2882 deletes my language calling for a renovation feasibility study of Union Station in the City of Gary. The study would encompass a structural analysis of the train station and a feasibility report examining the possible uses of the structure. My position remains that the Union Station study should be included in hope of restoring this historical landmark which once played a vital role in the day-to-day lives of the people of Northwest Indiana.

My third objection lies in the protection study for the Little Calumet and Salt Creek River corridors as found in Section 4 of S. 2882.

The proposed study would unnecessarily delay implementation of a protection plan two years beyond that of H.R. 3209. Last week, the National Park Service published a draft "Little Calumet River Corridor Plan: Environmental Assessment" which reviewed the entire Little Calumet River corridor as proposed under S. 2882 and a majority of the Salt Creek corridor. As directed by law, the study contains an inventory of the natural resources in the Little Calumet and Salt Creek corridors and suggests proposals for land use and environmental protection. The study was performed in consultation with concerned local and state agencies and governments as well as businesses and chambers of commerce. To force the National Park Service to spend years repeating the major elements of this study is a waste of time—especially when one considers that there is no interim protection clause for the corridors.

I am also concerned about the proposed study's reliance upon the "intent" of those participating in the study to "adopt and implement the recommendations." It must be remembered that the threat of park expansion to these areas in the 1970s brought with it local promises of community preservation and protection of these corridors. After the possibility of inclusion in the National Lakeshore passed, so did the community's zeal to protect and preserve them. S. 2882 only requires passive follow-up by the Secretary of Interior, including technical assistance to landowners, conservation organizations, local and State governments, and Federal agencies "that wish to implement the study recommendations." There is no assurance that any protective actions will occur.

My final objection is to the special exemption S. 2882 would grant to property owners along the Route 49 corridor (area I-M). While I recognize the intentions of Senators Coats and Lugar, it is my strong belief that all homeowners affected by any one bill should be treated equally. S. 2882 singles-out homeowners in the Route 49 area for preferential treatment.

As you may know, the four existing Public Laws regarding the National Lakeshore all contain different provisions for homesteads located within national park boundaries. The problems created by these differing provisions will be outlined today by Raymond Peterson. Creating intra-bill differences in homeowner provisions will only lead to future problems of greater magnitude than those you will review today.

I strongly support Mr. Peterson's "29 year plan." The plan, included in S. 2882, provides for the equitable extension of existing National Lakeshore leasebacks. In past statements, Mr. Peterson has asserted that the plan "eliminates any foundation for future requests by Lakeshore Residents . . . to seek further 'extensions' of residency within the Lakeshore based upon 'unfair/inequitable treatment' by providing an equitable final solution." I urge the subcommittee not to legislate incongruous homeowner treatments within the legislation we are reviewing today.

In conclusion, I would like to again thank the Senators from Indiana for their efforts on behalf of the Indiana Dunes National Lakeshore and its local and national visitors. I am confident that we will continue to work together to secure final passage of this legislation.

Senator **Bumpers**. Congressman, thank you very much. You obviously have a keen grasp of all the issues involved in this.

I am not sure I understood your testimony on the so-called inholders, or the leaseback owners. There apparently is some disenchantment or concern by people who left on the assumption that they only had 25 years, and then we cut it back to 20 years. And now we are extending it to the year 2010 under this legislation. And they feel that, you know, if they had known then what they know now, they would not have given up and left so easily.

Do you find any rationale for reincluding them in this? Or in compensating them in any way?

Mr. VISCLOSKY. Mr. Chairman, I do in the sense is, first of all, that the question should be dealt with so that there is some consistency across the board in terms of home ownership. I recognize that although homeowners have been treated differently in each of the successive bills, that does not necessarily mean they have been dealt with inequitably. Because in the end, we have a constitutional obligation to reimburse them for whatever loss they incur. And that is, again, why I resisted in the first instance 4 years ago.

In terms of the House consideration of this, I tried to strike somewhat of a different balance. And that is, to recognize that in terms of those who have what I call secondary leasebacks, those who came after the Government initially engaged in condemnation, their arrangement and agreement was an arms-length transaction between individuals. The Government was not a party to that. What they contracted for is what they should get. And I did not believe that we should have a change regarding secondary leaseback holders.

In terms of original leaseback holders, it never has been proven, to my satisfaction, that there was any misrepresentation, pressure brought to bear, what have you, on the theory that perhaps there may have been.

My proposal in the House was to at least provide original leaseback holders with an option. And there would have been a cost attached to that for them, if they wanted to exercise a potential extension. That was not agreed to by the chairman of my subcommittee or the chairman of the full committee, and it was stripped from the bill. I think in anticipation of that legislation, and subsequent to it, Mr. Peterson has tried again to reach that delicate balance. And that is exactly what we are talking about. And I do think it certainly warrants your serious consideration.

Senator BUMPERS. Congressman, thank you very much. I appreciate your work on this. And I certainly appreciate your coming over here to testify this afternoon.

Mr. VISCLOSKY. I appreciate the privilege. Thank you, Senator.

Senator BUMPERS. Thank you.

Our next witness is the director of the National Park Service, Jim Ridenour.

Jim, welcome to the committee. We are pleased to have you.

STATEMENT OF JAMES M. RIDENOUR, DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, ON S. 2882, ACCOMPANIED BY DALE ENGQUIST, SUPERINTENDENT, INDIANA DUNES NATIONAL LAKESHORE

Mr. RIDENOUR. Mr. Chairman, with me I have Dale Engquist, our fine superintendent of this property in northern Indiana. He will be available to help us through some of the questions you might have.

We support the enactment of the S., if amended as we suggest. This bill follows closely on the heels of the House bill, which is a similar measure recently passed by the House of Representatives and one which we opposed in testimony in November 1989.

We believe S. 2882 is the more preferable bill. As passed by the House of Representatives, H.R. 3209 would include within the revised boundaries of the lakeshore nearly 3,200 additional acres, including the highly controversial additions within the Little Calumet River and the Salt Creek corridors as well as the Furnessville additions along U.S. 20 which are not included in the Senate bill. The Senate bill, on the other hand, would add less than 1,300 acres.

Included within both bills are differing provisions for acquisition of certain private property interests. Under the provisions of the Senate bill, landowners along State Road Route 49 near the entrance to the Indiana Dunes State Park would not be subject to condemnation, so long as their property remains in residential use. H.R. 3209 makes no special provision for these landowners.

Even though we prefer the Senate bill, we also believe that certain provisions of it are unwarranted, and in some cases threatening to the very purpose for which this park was first established and subsequently modified. Therefore, we recommended that S. 2882 be amended as suggested below.

Appended to this statement you will find an evaluation of the individual parcels that would be added to the existing lakeshore under the provisions of S. 2882. We support many of them. There are some that we are not supportive of.

We strongly support the inclusion of new areas that provide improved access to and add land suitable for increased recreational opportunities in this heavily urban recreation area.

Section 4 would require the Secretary to complete a study, in cooperation with private and public interest groups of the Little Calumet River and Salt Creek corridors. The study would include an inventory of the corridor's values and analysis of existing and future threats to the corridors and efforts to counter them, and evaluation of public access for recreational purposes—and this is a very strong interest up in that part of the State—alternate private, State and local means for protecting these values and uses and recommendations for actions that could be taken to enhance their protection.

During consideration of expansion legislation in both the 92d and 93d Congresses, the National Park Service prepared an evaluation report on proposed additions to the Indiana Dunes National Lakeshore. This included additions along both Salt Creek and Little Calumet River corridors, similar, but not identical, to those being proposed under the Senate bill.

The report concluded that management of the area should be at the local level, perhaps through creation of a local conservancy district and/or through State acquisition of fishing easements. We still generally endorse these earlier conclusions.

While we do not believe at this time that the National Park Service should play a role in the management of the corridors, we do believe that we can play a role in providing assistance to State and local jurisdictions and the Northwestern Indiana Regional Planning Commission by participating in a new and more comprehensive study as outlined in the bill.

The provisions of the Senate bill strongly endorse local and State emphasis in river corridor preservation and are therefore an improvement over the provisions of the House bill, which tended to give more emphasis to possible Federal acquisition and management.

Because the provisions of the Senate bill are generally consistent with our previous policy in the area and because of the strong emphasis on local and State involvement with resulting savings in Federal acquisition and management costs, we support these provisions relating to Salt Creek and the Little Calumet River corridors.

Under the provisions of subsections 7 (a) and (b), reservations of use and occupancy would be offered to owners of improved, noncommercial residential property included in the park, pursuant to enactment of the Senate bill, for a fixed term, not to extend beyond September 30, 2010, or life.

Senator BUMPERS. Now you say you favor that?

Mr. RIDENOUR. We concur in this provision because it extends to those homeowners newly included in the boundary privileges that those already within the boundary have had.

However, subsection 7(c), extension of leases, is totally unacceptable to us. Mr. Chairman, subsection (c) would authorize the Secretary to renegotiate the terms of existing, valid reservations of use and occupancy of those who enjoy such reservations on the date of the enactment of this subsection. We oppose that subsection for the following reasons:

No. 1, the purposes for which these reservations were originally granted will have long since been realized at their original termination date. Extending these reservations would grant special treatment to a very select group of people, some of whom are not even the original owners. Those who claim an extension as their right are incorrect. The extension would be a privilege, a special privilege offered to no other citizen or taxpayer.

In some cases, these reservations have been sold to the current holders and there is nothing in subsection 7(c) to prevent future sales at significantly increased prices. In some cases, reservations of use and occupancy have become profitable business commodities. And this bill would serve to enhance that situation by creating additional years of reservations to be sold or leased. Clearly this was never the intention of granting these reservations in the first place, and we object to either a continuation or extension of this practice under the bill.

An extension of reservation of use and occupancy will mean further delay in returning these properties to their natural condition, prior to having been disturbed. And in many cases, this was the very reason the Government acquired those properties in the first place.

Of far greater importance, Mr. Chairman, is the precedential nature of the provisions of that section. Holders of reservation in use and occupancy at Indiana Dunes are but a fraction of the approximately 1,600 holders throughout the National Park System, many of whom would undoubtedly jump at the chance to extend their privilege.

The National Park Service would come under increasing pressure to sell additional reservations where now we have an orderly process to remove residential properties that in the long term are not compatible with park purposes.

In conclusion, I would say that any future land acquisition would be subject to the budgetary constraints and the Administration's land acquisition priority system. I would like to say this—and take this opportunity to say that Senators Lugar and Coats and Congressman Visclosky have worked diligently on a very, very difficult subject.

I am a resident of the State of Indiana. I used to be Director of the Department of Natural Resources there. I had the park system under my responsibility and we have a State park within these boundaries. And this is an area that is very important to the citizens of the State of Indiana. As you indicated on your visit there, it is a beautiful area and it is a great pressure relief valve for thousands of urban citizens, as well as a rapidly developing fishery that is attracting people from all around the world to that particular area that can use those dollars in the face of declining industrial activity in the area.

So they have done a herculean job of getting the bill to this point and I would just want to publicly congratulate them and their staffs for the job they have done.

And that concludes my remarks, sir.

[The prepared statement of Mr. Ridenour on S. 2882 follows:]

Prepared Statement of James M. Ridenour, Director, National Park Service, Department of the Interior

Mr. Chairman, I am pleased to appear before the Subcommittee this morning to present the Administration's views on S. 2882, a bill to modify the boundaries of the Indiana Dunes National Lakeshore and for other purposes.

Mr. Chairman, we support enactment of S. 2882, if amended as we suggest.

S. 2882 follows closely on the heels of H.R. 3209, a similar measure recently passed by the House of Representatives and one which we opposed in testimony in November 1989. We believe S. 2882 is the more preferable bill. As passed by the House of Representatives, H.R. 3209 would include within the revised boundaries of the lakeshore nearly 3,200 acres, including the highly controversial additions within the Little Calumet River and Salt Creek corridors as well as the Furnessville additions along U.S. 20, which are not included in S. 2882. S. 2882, on the other hand, would add less than 1,300 acres. Included within both bills are differing provisions for acquisition of certain private property interests. Under the provisions of S. 2882 landowners along State Route 49 near the entrance to the Indiana Dunes State Park would not be subject to condemnation so long as their property remains in residential use. H.R. 3209 makes no special provision for these landowners.

Even though we prefer S. 2882 over the House-passed version, we also believe that certain provisions of S. 2882 are unwarranted and in some cases threatening to the very purposes for which this park was first established and subsequently modified. Therefore, we recommend that S. 2882 be amended as we suggest below.

S. 2882 subsection 3(a), if enacted, would substitute a revised boundary map for the park and thereby include within the boundaries several parcels totalling approximately 1,280 acres not previously included. Appended to this statement you will find our evaluation of the individual parcels that would be added to the existing lakeshore under the provisions of S. 2882. We support many of the proposed additions that add areas of outstanding natural resource value, including many wetland additions that further the President's policy of "no net loss of wetlands." We also strongly support the inclusion of new areas that provide improved access to and add lands suitable for increased recreational opportunities in this heavily used urban recreation area.

Subsection 3(b) would repeal that provision of existing law which prohibits the Secretary from acquiring by any means unit III-B (Crescent Dune) if it had not been acquired within 2 years of enactment of that section. A recent U.S. Court of Appeals decision upheld this provision, which has heretofore prohibited the National Park Service from acquiring this parcel which Congress included in the park in 1976. We support the removal of this restriction on the acquisition of Crescent Dune for the very reasons the unit was included within the lakeshore in 1976.

Section 4 would require the Secretary to complete a study, in cooperation with private and public interest groups, of the Little Calumet River and Salt Creek Corridors. The study would include an inventory of the corridors' values, an analysis of existing and future threats to the corridors and efforts to counter them, an evaluation of public access for recreational purposes, alternate private, State and local means for protecting these values and uses, and recommendations for actions that could be taken to enhance their protection. Participation in the study by these groups would include commenting on the scope of the study through and including a review and written comments on the draft document within 6 months following its completion. Section 4 would further require that not later than 12 months after it is completed, the study, along with a summary of written responses and recommendations for further action to ensure full protection of the significant resources of the corridors, shall be forwarded to the appropriate Committees of Congress; and that following submission of the report to Congress, the Service shall continue to actively monitor actions taken by landowners and interested public and private parties and make periodic reports to Congress on the extent to which the study recommendations are being implemented. Finally, section 4 would require that upon request the Service would be required to provide technical and coordination assistance to parties both public and private who wish to implement the study recommendations.

During consideration of expansion legislation in both the 92nd and 93rd Congresses the National Park Service prepared an evaluation report on proposed additions to the Indiana Dunes National Lakeshore; this included additions along both the Salt Creek and Little Calumet River corridors similar, but not identical to those being proposed for study under S. 2882. The report found that the Little Calumet River was an integral part of the Indiana Dunes complex, that both streams offered a variety of recreational opportunities, and that it was necessary to preserve the natural streambanks, wetlands and floodplains of the corridors. The report concluded that management of the area should be at the local level, perhaps through creation of a local conservancy district and/or through State acquisition of fishing easements. Although the report was not a comprehensive study and conditions have changed in the intervening years, we still generally endorse these earlier conclusions.

While we do not believe at this time that the National Park Service should necessarily play a role in the management of the corridors, we do believe that we can play a role in providing assistance to State and local jurisdictions and the Northwestern Indiana Regional Planning Commission (NIRPC) by participating in a new and more comprehensive study of the corridors called for in S. 2882. To do so would be an extension of our existing Rivers and Trails Conservation Assistance Programs. Planners from our Midwest Regional office have already met with a special task force of NIRPC which is studying this issue. Our involvement in offering assistance through the study mechanism proposed by S. 2882 would also enhance the prospects for wetlands preservation in the corridors in keeping with the President's policy of "no net loss."

The provisions of S. 2882 strongly endorse local and State emphasis in river corridor preservation and are, therefore, an improvement over the provisions of H.R. 3209, which tended to give more emphasis to possible Federal acquisition and management. Because the provisions of S. 2882 are generally consistent with previous National Park Service policy in the area and because of the strong emphasis on local and State involvement with resulting savings in Federal acquisition and management costs, we support these provisions of S. 2882 relating to the Salt Creek and Little Calumet River corridors.

Section 5 requires the submission of a report within 180 days of enactment to the House Committee on Interior and Insular Affairs and the Senate Committee on Energy and Natural Resources on road rights-of-way within the boundaries of the lakeshore that are proposed to be relinquished by local governments. Subsection 5(b) would authorize the Secretary to reimburse local governments for reasonable administrative costs associated with relinquishing a road right-of-way within the boundaries of the lakeshore. The rights-of-way that are of interest here are largely unused and all but legally abandoned yet remain on local rolls in order that local government might continue to receive road maintenance funds for them. Section 5 appears to us to be a sound approach to identifying those rights-of-way that are of interest to the National Park Service and yet by implication requires their acquisition by donation only. This latter provision is entirely consistent with existing public policy regarding the acquisition of publicly owned real property. We strongly endorse this provision of S. 2882.

Section 6 calls for a study of the Deep Creek Corridor, similar to that which is called for in section 4 for Salt Creek and the Little Calumet River Corridors. We do not object to the provisions of this section.

Under the provisions of subsections 7(a) and (b), reservations of use and occupancy would be offered to owners of improved noncommercial residential property included in the park pursuant to enactment of S. 2882 for a fixed term not to extend beyond September 30, 2010, or life. We concur in this provision, because it extends to those homeowners newly included within the boundary privileges that others already within the boundary currently enjoy.

However, subsection 7(c), Extension of Leases, is totally unacceptable to us, Mr. Chairman. Subsection 7(c) would authorize the Secretary to renegotiate the terms of existing valid reservations of use and occupancy of those who enjoy such reservations on the date of enactment of this subsection. It would permit the purchase of additional years of occupancy of not more than 29 years from the commencement date of the existing right, not to extend beyond September 30, 2010. The amount of annual lease payment would be the amount discounted from the purchase price under the terms of the original sale, adjusted annually by a general index commensurate with the escalation of property values within the lakeshore since the original sale.

We oppose the provisions of subsection 7(c) for the following reasons:

1. The purposes for which these reservations were originally granted will have long since been realized at their original termination date. Extending these reservations would grant special treatment to a very select group of people, some of whom are not even the original owners. Those who claim an extension as their right are incorrect. The extension would be a privilege—a special privilege afforded no other citizen or taxpayer.
2. In some cases these reservations have been sold to the current holders, and there is nothing in subsection 7(c) to prevent future sales at significantly increased prices. This "windfall" will have been realized under the guise of allowing residents to remain on property on which they have resided for many years.
3. In some cases reservations of use and occupancy have become a profitable business commodity, and this bill would serve to enhance that situation by creating additional years of reservations to be sold or leased. Clearly this was never the intention of granting these reservations in the first place, and we object to either a continuation or extension of this practice under S. 2882.
4. In some cases, an extension of reservation of use and occupancy will mean further delay in returning these properties to their natural condition prior to having been disturbed. In many cases this was the very reason the Government acquired these interests in the first place. In other cases, extended reservations of use and occupancy will further delay much needed development or access to resources such as beaches for which the lakeshore was established.

Mr. Chairman, it is undeniable that there have been differences in the manner in which the law treats property owners because of the many changes in the law that Congress has enacted at Indiana Dunes National Lakeshore. However, all owners have been treated fairly under the law that applied to them.

Of far greater importance, Mr. Chairman, is the precedential nature of the provisions of subsection 7(c). Holders of reservations of use and occupancy at Indiana Dunes are but a fraction of the approximately 1,600 holders throughout the National Park System, many of whom would undoubtedly jump at the chance to extend their privileges. The National Park Service would come under increasing pressure to sell additional reservations where now an orderly process exists to remove residential properties that in the long term are not compatible with park purposes. We urge the Committee to reject subsection 7(c).

Section 8 of S. 2882 authorizes the Secretary to enter into a cooperative agreement with the city of Gary, Indiana, for the purpose of providing technical assistance in connection with Gary's Marquette Park and Lake Street Beach. The National Park Service already enjoys sufficient authority to work with the city of Gary for the purpose of providing technical assistance. We would oppose inclusion of this language as suggesting that without it we lack such authority.

Section 9 would require the Secretary to consult with the Indiana Department of Transportation to determine what lands would be required to make certain road improvements within and adjacent to Units I-M (State Road 49) and VII-D (Calumet Prairie) so as to not interfere with those planned improvements. Improved residential properties in Unit I-M as of July 1, 1990, could only be acquired by the Secretary with the consent of the owner.

Section 10, entitled "Greenbelt," would require the National Park Service to enter into a cooperative agreement with the owner of the property described as Unit II-A, the NIPSCO Greenbelt, if the owner, the Northern Indiana Public Service Company, is agreeable. The agreement would provide the Service access to the Greenbelt area for the purposes of interpretation, recreation and resource management while requiring NIPSCO to preserve the area in its natural state. Any significant change in the use of this property by NIPSCO must be preceded by a 3 year advance notice. The Secretary may not acquire this property in fee or less than fee so long as this agreement is in force and effect. We support this language as being in the long term interests of the park while preserving for the owner a use that he has stated is essential to the operation of the utility.

Section 11 would designate the lakeshore visitor center as the "Dorothy Buell Memorial Visitor Center." We have already dedicated a portion of the visitor center in Ms. Buell's memory out of respect for her untiring efforts to save the Indiana Dunes National Lakeshore. We would not object to the enactment of this provision of S. 2882.

Section 12 provides for the authorization of appropriations necessary to carry out this act. We cannot at this time provide an estimate of the cost of lands proposed for addition to the lakeshore under the provisions of S. 2882.

In addition, any future land acquisition would be subject to the budgetary constraints and the Administration's land acquisition priority system.

Mr. Chairman, this concludes my prepared remarks on S. 2882. I would be pleased to respond to your questions as this time.

APPENDIX

NATIONAL PARK SERVICE RECOMMENDATIONS—PROPOSED ADDITIONS TO THE INDIANA DUNES NATIONAL LAKESHORE (S. 2882)

1. Unit I-H: Inland Manor/Woodlake Dune (approximately 200 acres)

The western portion is a developed residential community of approximately 90 homes. The area's high water table has contributed to sanitation problems associated with poor drainage. The area is not suitable for lakeshore development purposes for this same reason. Its acquisition would be, in our view, a substitute for aid to a depressed community. The National Park Service is opposed to its inclusion within the lakeshore. Acquisition costs are estimated at $4,500,000.

The eastern portion of the unit, known as Woodlake Dune, is a high quality natural area containing a mixture of wooded stabilized dunes, open savanna, and extensive wetlands of considerable resource value. These approximately 155 acres, bounded by 5th Avenue, U.S. Highway 12, the Lake/Porter County Line, and the community of Inland Manor, are of significant quality and would constitute a worthy addition to the lakeshore at an estimated cost of approximately $500,000.

2. Unit I-J: Gary lands (approximately 22 acres)

This unit is contiguous with the lakeshore immediately northwest of the entrance to the heavily visited West Beach unit. These lands are currently vacant but slated for multi-family residential development. They lie adjacent to the Long Lake wetlands complex. Acquisition would serve both to enhance road and trail access to West Beach as well as protect the values of the existing lakeshore setting. Acquisition costs are estimated to approximate $334,000.

3. Unit II-A: NIPSCO Greenbelt (approximately 90 acres)

This unit is comprised of some of the most extensive and valuable wetlands in the lakeshore area. It also includes wooded dunes and an upland strip consisting of a manmade dike, which separates the delicate Cowles Bog and Great Marsh environment of the existing lakeshore from a large, heavily industrialized complex, including the Northern Indiana Public Service Company's Bailly Generating Station. The dike also provides some of the only access to this predominantly marshy area.

This area has been previously proposed for inclusion in the lakeshore and was the subject of a special study mandated by Congress in 1977. While the NPS study did not make specific recommendations, the language of S. 2882, which calls for a Memorandum of Understanding (M0U) between the NPS and NIPSCO rather than outright purchase, is similar to one of the alternatives examined in that special study. NPS believes that unit II-A should be included within the lakeshore under the terms proposed in that study. It would both enhance the protection of the valuable wetland resources of this area and improve public access to it while accomplishing these aims at no cost to the Federal Government.

4. Unit II-L: Porter Beach (approximately 3 acres)

This unit is comprised of both developed and undeveloped property immediately adjacent to Lake Michigan in the town of Porter. This acquisition is intended to allow for the development of public parking and restroom facilities where none now exist. Much of this area currently is within the lakeshore boundaries but subject to reservations of use and occupancy. In addition, the topography of this area affords a unique opportunity for access for mobility impaired visitors. The National Park Service recommends the inclusion of this parcel in the lakeshore. Acquisition costs are estimated to approximate $525,000.

5. Unit III-G: Beverly Shores wetlands (approximately 80 acres)

This unit is located along the southern boundary of the so-called "Beverly Shores island" adjacent to the national lakeshore on the north side of Beverly Drive. The unit consists primarily of wetlands which are part of a larger system of wetlands, much of which is already under NPS jurisdiction. One residential improvement, constructed on fill, is included in this area.

Acquisition costs associated with this unit are unknown at this time.

6. Unit I-L: Ogden Dunes (approximately 13 acres)

This unit, sometimes referred to as the old University of Chicago property, lies on the south side of U.S. Highway 12 opposite the entrance to Ogden Dunes. This parcel constitutes a critical link in the trail route now being planned in accordance with the Congressionally mandated Little Calumet River Corridor Plan, to facilitate the connection of the East and West units of the national lakeshore. Additionally, this parcel is intended to enhance the access to the existing Inland Marsh parking area. Acquisition costs are estimated to approximate $384,000.

7. Unit II-M: Campground addition (approximately 68 acres)

This unit consists primarily of undeveloped land adjacent to U.S. Highway 12. The lands on the south side of the highway are contiguous with the land to be devoted to the lakeshore's first campground. NPS believes that while these are important resources that will enhance recreational opportunities in this highly industrialized area, the boundaries of this unit need to be rethought not only in terms of camping facilities but also the proposed scenic highway corridor along U.S. Highway 12.

Acquisition costs associated with this unit are estimated at $254,000. This does not include any residential properties.

8. Unit VI-B: Gaylord Butterfly addition (approximately 175 acres)

This unit, located in Griffith, Indiana, is adjacent to the detached Hoosier Prairie unit of the national lakeshore. It contains a high quality mixture of black oak savanna and prairie plant communities that support a large diversity of butterflies, including several species that are very rare in Indiana.

Acquisition costs associated with this unit are estimated at $630,000.

9. Unit VII-D: Calumet Prairie (approximately 270 acres)

This unit, owned and currently administered by the Indiana Division of State Nature Preserves, contains a high quality wet prairie with several rare plants. The unit also provides access to the Little Calumet River through developed farmland south of the nature preserve and consequently has high potential for recreational trail or other development. Its addition to the national lakeshore would be at no cost to the Federal Government except for the single improvement (farm), which approximates $282,000.

10. Unit I-M: State Road 49/State Park entrance (approximately 35 acres)

This unit, which lies along the north side of U.S. Highway 20 and is bisected by State Route 49, is both a principal entrance to the national lakeshore and the only entrance to the Indiana Dunes State Park. Its acquisition is intended to protect the visual quality of this major access point. It currently consists of sparse residential development, however, commercial use of the property is a current threat.

Acquisition costs for this unit are estimated at $330,000. Included in this estimate are 3 residential improvements.

11. Unit I-K: Gary lands (approximately 45 acres)

This elongated unit on the north side of U.S. Highway 20 contains a highly degraded dune and some commercial development. While the natural resource value of the unit is admittedly low, the area has potential for off-site parking for the West Beach unit where parking is severely limited. It is in part contiguous with the existing lakeshore. Current acquisition costs are estimated to approximate $345,000.

12. Unit IX-A: Hobart Prairie Grove (approximately 280 acres)

This is a high quality natural area adjacent to Lake George along Deep River. It is, in part, composed of a black soil, tallgrass savanna; an open oak hickory woodland with many prairie plants. This habitat is nearly extinct today, and the unit contains many rare plant species. It also includes extensive wetlands.

No cost estimate is available for this unit at this time.

Senator **Bumpers**. Jim, are you prepared to testify on the Illinois—the corridor bill?

Mr. **Ridenour**. Yes.

Senator **Bumpers**. Why do you not go ahead with that?

STATEMENT OF JAMES M. RIDENOUR, DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, ON S. 3048

Mr. **Ridenour**. Mr. Chairman, we appreciate the opportunity to appear before the subcommittee on S. 3048. If enacted, it would extend the boundaries of the Illinois and Michigan Canal National Heritage Corridor in the State of Illinois.

We oppose enactment of S. 3048 because it would authorize unwarranted and expensive National Park Service funding for lower-priority activities in areas as described below. Essentially, it would add three new areas to the National Heritage Corridor. Two areas are located within the City of Chicago, east of Harlem Avenue, and one area located just east of Plainfield, Illinois, northwest of Joliet.

The public law which established the National Heritage Corridor places significant demands on the Secretary of the Interior, in addition to the $250,000 that is authorized to be appropriated for the work of the commission. It not only provides for two Department of the Interior employees on a nonreimbursable basis, but also requires that historical, archeological, and geological inventories be prepared. And that is the area where we think there could be significant financial obligation on the part of Federal Government.

For this activity alone, the National Park Service expended in excess of $565,000 for those areas already included in the original bill. The 1987 estimates for cost that would be expected from passage of this bill with respect to similar inventories could exceed $0.5 million.

In addition, requests for technical assistance related to the rehabilitation of historic structures could be expected to increase significantly.

In summary, S. 3048 would significantly add to the Federal responsibility of providing for both financial as well as technical assistance to the I&M Canal National Heritage Corridor. This would detract from the mission being performed in the existing corridor by diverting scarce financial resources away from the canal and into 17 urban neighborhoods where the request for technical assistance, we believe, could be overwhelming. So we are in opposition to that bill.

[The prepared statement of Mr. Ridenour on S. 3048 follows:]

Prepared Statement of James M. Ridenour, Director, National Park Service, Department of the Interior

Mr. Chairman, we appreciate the opportunity to appear before the Subcommittee to present testimony on S. 3048, a bill which, if enacted, would extend the boundaries of the Illinois and Michigan Canal National Heritage Corridor in the State of Illinois.

We oppose enactment of S. 3048, because it would authorize unwarranted and expensive National Park Service funding for lower priority activities and areas, as described below.

S. 3048 would amend the Act of August 24, 1984, which established the I&M Canal to add three new areas to the national heritage corridor: two areas located within the City of Chicago east of Harlem Avenue and one area located just east of Plainfield, Illinois, northwest of Joliet.

Public Law 98-398, which established the national heritage corridor, places significant demands on the Secretary of the Interior in addition to the $250,000 that is authorized to be appropriated for the work of the Commission. It not only provides for two Department of the Interior employees on a non-reimbursable basis, but also requires that historical, archeological and geological inventories be prepared. For this activity alone the National Park Service expended in excess of $565,000 for those areas included in the original bill. 1987 estimates for costs that would be expected from passage of S. 3048 with respect to similar inventories exceeded $500,000. In addition, requests for technical assistance related to the rehabilitation of historic structures could be expected to increase significantly, as these additional lands are by their very nature urban as opposed to the much more rural quality of the existing national heritage corridor. Finally, additional costs can be expected to occur related to an expanded interpretive role of the Service in producing brochures, displays, school curriculum, and trail guides.

In summary, Mr. Chairman, S. 3048 would significantly add to the Federal responsibility of providing for both financial as well as technical assistance to the I&M Canal National Heritage Corridor. This would detract from the mission being performed in the existing corridor by diverting scarce financial resources away from the canal and into 17 urban neighborhoods where the requests for technical assistance could be overwhelming.

Mr. Chairman, that concludes my prepared remarks concerning S. 3048. I would be pleased to respond to questions at this time.

Senator BUMPERS. Does the Department have a cost estimate for the 37-acre Crescent Dune?

Mr. RIDENOUR. I am sorry, sir?

Senator BUMPERS. Does the Park Service have an estimate of what it would cost us to purchase the 37-acre Crescent Dune?

Mr. RIDENOUR. No, we do not. We have heard numbers—I have heard none quite so high as the one you mentioned, but we have heard numbers that approach that.

Senator BUMPERS. If we pass the Senate bill or the House bill, either one, does that—access to this area has always been a problem. Does this improve access to the facilities or to the dunes if we were to adopt either one of these bills?

Mr. RIDENOUR. Yes, I think both bills would improve access, which is a significant problem in that part of the country.

Senator BUMPERS. The current authorization for that park is $60.8 million, so staff tells me. How much money have we spent there?

Mr. RIDENOUR. You are talking about in development funds?

Senator BUMPERS. Yes.

Mr. RIDENOUR. It is something over——

Senator BUMPERS. I think that was land acquisition—yes, land acquisition.

Mr. RIDENOUR. We are largely completed with land acquisition, so what has been authorized is largely what has been spent. There is very little left to acquire in the entire park.

Senator BUMPERS. Have we appropriated that much money for land acquisition out there—$60 million?

Mr. RIDENOUR. Yes, sir.

Senator BUMPERS. What do you estimate the cost would be, then, under the House version of the bill?

Mr. **Ridenour**. We have done some work while we were sitting here, because I understand the question was asked earlier. We have costs—rough figures—related to the Senate bill.

Senator **Bumpers**. Well, give me that one. That is——

Mr. **Ridenour**. We think, essentially, that we are looking at approximately $8 million, and that does not include Crescent Dune. That would include all of the purchases that, essentially, we are supporting, which would come out to about $3,584,000, plus the Inland Manor, which we estimate somewhere in the neighborhood of $4,500,000, and then on top of that you would have to add Crescent Dune.

Senator **Bumpers**. Have we purchased most of the inholdings there now with that $60 million?

Mr. **Engquist**. Yes, sir, I believe there are four improved residential properties not yet purchased. Those have recently been appraised, and offers have been made or are in the process of being made on the last four.

Senator **Bumpers**. Mr. Ridenour, I understand—are you opposed to the extension of the ROU's to the year 2010?

Mr. **Ridenour**. Yes, sir.

Senator **Bumpers**. I am told that some of those properties that we have purchased and leased back, the leaseback provided originally for 25 years and that was cut to 20 years, is that correct, by Congress?

Mr. **Ridenour**. Yes, sir, but those who had 25 and had been acquired retained the 25 in 1976.

Senator **Bumpers**. Now I also understand that some of those people who entered into leaseback agreements with you—I assume that was a mitigating factor in the cost. In other words, if I had a home there, and you were going to let me live there 25 years, I would reduce the cost to you of taking that property. Is that correct?

Mr. **Ridenour**. That is correct. Approximately 1 percent of the negotiated purchase price, per year, was deducted.

Senator **Bumpers**. So if there was a $100,000 home, you pay me $75,000 and I could live there for 25 years?

Mr. **Ridenour**. Yes, sir.

Senator **Bumpers**. Pretty good deal, except people still get very emotional when their home is involved.

But I also understand that some of those people who had that 25-year period, then, actually left and conveyed that lease to somebody else. Is that correct?

Mr. **Engquist**. Yes, sir. We do not know exactly how many because we are not involved in that normally. Sometimes people let us know. We find out in other ways. We believe at this point approximately half of the roughly 385 reservations of use we have are not original owners. It could be more than that, but it is at least that many.

Senator **Bumpers**. Well, what is the argument? I assume we will hear testimony this afternoon. But what is the argument, then, that somehow or other those people have been deprived, if we were to extend the period to 2010?

Mr. **Engquist**. I do not know, except that they would like to be treated equally with original owners. We, in fact——

Senator BUMPERS. But if you were going to negotiate with somebody right now, you would use the year 2010 in your negotiation, would you not?

Mr. ENGQUIST. That is correct.

Senator BUMPERS. Which would reduce the amount you were going to pay them for their property?

Mr. ENGQUIST. Correct.

Senator BUMPERS. Okay, now the Illinois corridor—there was just one question. Mr. Ridenour, you objected to adding the three segments. Do you have any objection other than budget considerations for that?

Mr. RIDENOUR. I think that that is a——

Senator BUMPERS. Are they suitable for addition?

Mr. RIDENOUR. We really have not had a chance to study those. Certainly there are budget considerations. I think that it would be premature for me to say because we have not studied those that we feel strongly about them as a park one way or another. I think the safest statement for me to make is that our professional people feel like there is a much better way to spend money.

Senator BUMPERS. Of course, you can get 535 different opinions on that around here—on how to spend the money. We are all guilty—I mean, the Congressmen, the two Senators, and the Chairman of this subcommittee are all guilty of making those barn-burning speeches about fiscal responsibility, except in our States.

There is also a 1984 bill that established a corridor advisory commission. Are you familiar with that?

Mr. RIDENOUR. Is that for the Chicago——

Senator BUMPERS. Yes, I am talking about for the Illinois River corridors.

Mr. RIDENOUR. Yes, roughly, we provide assistance to that on an annual basis.

Senator BUMPERS. Have they made any recommendations with respect to the proposals here?

Mr. RIDENOUR. No, but I would imagine that testimony to follow would include their recommendations.

Senator BUMPERS. Okay, let me just ask the Park Director, what is the visitation at the Indiana Dunes National——

Mr. ENGQUIST. It has run, over the last 3 years, between about 1.6 million and 1.8 million recreational visits a year. And that is exclusive of the State park within our boundaries which receives 1 million to 1.2 million visits.

Senator BUMPERS. So the State park is still in existence?

Mr. ENGQUIST. Yes, sir, about 2,000 acres.

Senator BUMPERS. I was laboring under the illusion that when we established that park that we took the State park in as a part of it. But we did not.

Mr. RIDENOUR. No, sir, no one in Indiana is under that illusion. There is a prohibition against our acquiring it except by donation. As a State's righter, now working for the Federal Government, we stood strongly. In fact, we wondered maybe if the Federal Government should not give us all they acquired at the State level.

Senator BUMPERS. Jim, this is your home State, is it not? I forgot about that. I thought you were more conversant with this than I expected you to be.

[Laughter.]

Mr. RIDENOUR. I do not know whether to take that as a compliment or not.

Senator BUMPERS. That is like the National Journal calling Dale Bumpers the best-kept secret in the Senate. I do not know how I feel about that.

[Laughter.]

Senator BUMPERS. Thank you both very much for being with us.

Mr. RIDENOUR. Are the witnesses allowed to ask a question, sir?

Senator BUMPERS. Pardon?

Mr. RIDENOUR. Are witnesses allowed to ask you a question?

Senator BUMPERS. Yes, of course.

Mr. RIDENOUR. I just wondered how you are enjoying the Civil War series.

Senator BUMPERS. Oh, I tell you, I cannot describe the feelings I have had. I am watching it for the second time. I watched when I first—Senator Mitchell—Ken Burns is from Maine, and a very good friend of Senator Mitchell. And he sent these tapes to him a couple of months ago. And George told me about it and knew of my interest in the Civil War. And so he sent me the tapes.

And I watched the first one, one night in the office with my administrative assistant. And when we got to the end of the first tape—of course, I was sitting there mesmerized for the whole thing and this guy is reading this letter of Sullivan Balew to his wife, which is, I guess, the most powerful love letter ever written in the history of the world. I was just staggered by the poignancy of it. And the just compelling emotions that it stirred up. And I heard this sniffling. And I looked over and she was just sobbing uncontrollably.

But we watched that thing on successive nights when I first got it. So then I took it upon myself to write to every school superintendent in my State, and I do not know whether that really pays off or not. I suggested they insist all their high school students watch that series.

I thought it was easily the greatest documentary I have ever seen on television. But then I come to it from a jaundiced view because I have studied Civil War history all my life. And still, I have never been as fascinated—and quite frankly never really understood the Civil War until I saw that documentary. I do not know that I still do, but I have a lot better understanding of it now then I did then.

And if you watch, for example, if you watched last night—did you see the interview with Shelby Foote last night?

Mr. RIDENOUR. Yes.

Senator BUMPERS. I thought that was one of the greatest things I ever witnessed. I have never known a guy as compelling and as interesting and common sensical and brilliant as he is. And I have the same regard for Jim McPherson up at Princeton. They are both great. And I want you to tell your boss when you get back, and I am going to tell him, too, I am very upset about the possibility of losing the Civil War Battlefield Commission bill.

I do not want to talk too much publicly about this, but I am not standing on ceremony. I do not care who does the appointing. As you probably know, I got Senator Byrd—we have not done it yet—

but I talked Senator Byrd into putting $1 million into the Interior bill to pay the expenses of this Commission. Secretary Lujan wants it to be a secretarial Commission and I have no strong objection to that, but I would like to know that the President Pro Tem and Dale Bumpers and the Speaker of the House and some of the rest of us would have some input into those.

For example, I want—you know, I have given him the names of three people that I think are just absolutely essential to be on it, and maybe a fourth, Ken Burns. I think probably Ken Burns ought to be on it. And if he wants to put a couple of developers on it, that is okay, too.

But you saw yesterday morning what is happening to Brandy Station right now. And I do not know why this Manassas Battlefield thing is winding up costing as much as—I have to admit is costing so much more than I ever dreamed. And I am very reluctant to take on Brandy Station, though I think Brandy Station is one of the three or four battlefields in the Untied States that ought to be preserved. And now it is probably gone.

And after Manassas, I do not know that I am willing to go out there and stick my neck out to take this developer out, to save the area where the biggest calvary battle of the entire war was fought.

Jim, I am not lecturing, I am just making these comments for the public consumption on the record. But this Battlefield Commission, if we do not get it established now, another year will go by, other Brandy Stations will be lost while we fiddle and faddle with this thing. And all we want this Commission to do is to tell us which ones are the most threatened, which ones are the most significant historically and worth a substantial amount of money to save, and so on.

We cannot continue to do this on an ad hoc basis. Because the developer threatens Manassas, we come out here and have this big fight. Because a developer threatens Brandy Station, we are going to have another big fight. And I am not asking you to be the talebearer, because I intend to talk to Secretary Lujan, but that is the most important thing to me in the remainder of this Congress, other than this budget resolution, to get that bill passed and get this Commission functioning so we can save these sites.

Now is the time to do it. There has never been the interest in the Civil War in the history of this country—anything, like it is right now. As you know, over 13 million people watched the first night. And more than that the second night. And it will be shown time and time again to every school kid in the country at some time in the future. But I know you have a great interest in the Civil War also, and I just think Ken Burns and Public Broadcasting has really performed a tremendous service to this country in providing that documentary.

What do you think about it?

Mr. RIDENOUR. You are asking me to make a comment after one of the greatest orators in the Senate? I would certainly agree there are things that come through in that series that you just had no idea, especially coming from Indiana. That does not get as much publicity about the ~~Civil W~~ar as you would when you are in the Virginia area. But the one thing that came very clear to my wife after watching a certain amount of it, especially the first 3 nights, is that she was not sure she would want to be an ancestor of McClellan's, the way he was treated.

Senator **Bumpers**. Somebody asked me—I think it was the same administrative assistant, asked me last night what happened to George McClellan, and I once knew but I do not any more. Do you know?

Mr. **Ridenour**. Well, I do not know what eventually happened. He ran for President.

Senator **Bumpers**. He ran for President in 1864, and of course got waxed, but I was just wondering, I think he lived to be in his fifties. I am not sure. Does anybody in this audience know what happened to George McClellan?

Voice. I believe he went to New York, and he became the head of something like the Sanitary Commission, or some agency in New York City. He traveled in Europe, I know, for an extended period of time, and came back and had some appointment of some sort in New York. At least, in part of his career.

Mr. **Ridenour**. Ed tells me yesterday that when the President went to fire McClellan that the President went into the parlor and McClellan came home later and the butler told McClellan that the President was in the parlor. McClellan walked right past the parlor and went on upstairs and went to bed, so that is one way of avoiding a furlough, I guess.

Senator **Bumpers**. Well, I have never decided whether George McClellan was just a pure megalomaniac or a coward, or both, and I think it was probably both. I really think that he abhorred the thought of dying. I think that he did not have very much courage.

At Antietam, you know, he put his headquarters as far away from the battlefield as he could. Lee always used to set up his site so he could oversee the battlefield with his binoculars. McClellan had no interest in that. He had couriers reporting back to him how the battle was going.

I must say, in all of these years—and this is absolutely heresy for a Southern Son to say. I have been having serious second thoughts about the brilliance of Robert E. Lee, after I read Killer Angels and I realized that virtually everybody there really disagreed, but nobody had the courage to tell him. I mean, he was just such an awesome figure in their minds.

A lot of times, people around here—the Senators—you know, it is here, sir, yes, sir, no, sir. You shake hands with the people and you can feel the adrenalin in the palm of their hands, and the first thing you know, the Senators get to feeling they really are as important as those people think they are.

That is a problem, incidentally, and I think that happened to Robert E. Lee to some extent. I think he did not think he was invincible, but I think he thought his army had become invincible, and made that tragic mistake at Gettysburg for which Pickett never forgave him and for which Longstreet did not want—you know, Longstreet just simply did not have the courage to say, General Lee, this is a terrible mistake. They just did it because it was him saying it.

But—well, we could rehash this all day. Thank you very much for being with us.

Let us do this as a panel, if we may. We have Jerry Adelmann, President of Upper Illinois Valley Association; Thomas C. Serynek, President of Save the Dunes Council in Gary; Sue Showers, Steering Committee member, Stop Taking Our Property, Valparaiso; and Raymond Peterson, Chesterton, Indiana.

This is when we start our 5-minute clock.

Mr. Adelmann, please proceed.

STATEMENT OF GERALD W. ADELMANN, PRESIDENT, UPPER ILLINOIS VALLEY ASSOCIATION

Mr. ADELMANN. Thank you very much, Senator. I appreciate having this opportunity. I have submitted official testimony for the record. I would like to summarize that and maybe respond a bit to Director Ridenour's comments and maybe begin very briefly with Ken Burns' Civil War as well, because I think what he so successfully has done there we are in a modest way trying to do with an ancient transportation corridor that has a rich layer of history that goes back thousands of years, and it is as if you were taking the Civil War and stopping in 1864 or something and not seeing it to its completion.

In fact, our history has a lot of associations with that period—the first Lincoln-Douglass debate, our Underground Railroad route, Lincoln's role, and so forth. Lincoln, in fact, was a major proponent of the canal, and during the war wanted to make significant improvements.

But that is just part of the rich, layered history that is there. The boundaries we are talking about are interpretive boundaries. I think we have to keep that in mind. These have no ramifications in terms of ownership, management, land use, any kind of jurisdictional issues, and the Upper Illinois Valley Association is a not-for-profit group that has been involved with this project since its inception.

I sit on the 19-member Federal commission which has unanimously recommended these boundaries. We see it as completion of a process, not as extension of boundaries.

Back in 1984, we got a call from Senator Percy's office saying the bill was about to be enacted—moved on, voted on. We were working assiduously as a committee involving all of the diverse interest groups—business, industry, conservation, preservation, local government, State Government, National Park Service, to define those boundaries, but they had some integrity as a cultural landscape—this connecting link between the Great Lakes and the Mississippi.

Michael Conson, Professor of Geography—he heads up the department at the University of Chicago—was a member of this task force. He was asked by the Illinois delegation if he, in fact, would author the map.

The complex nature of an urbanized area, figuring out which neighborhoods were included, such as Bridgeport, where the canal boat began, or Pilsen, and which boundaries make sense from an interpretive perspective, took more time than we had, a matter of a couple of days, to finalize this map, and so he used a cartographic convention—a dotted line with an arrow saying to navy pier on one arm, and to Calumet Harbor on the other—the modern port of Chicago, the 20th-century port of Chicago, where there was earlier a feeder canal that brought water into the I&M.

His justification—I will just read it very briefly: "Boundary lines enclose areas and places intimately connected with the historical development of the Illinois-Michigan Canal and its successor waterways.

"This includes adjacent and nearby land use, villages, towns and urban neighborhoods, industry, and associated transportation lines. For purposes of coherent interpretation, this historical development is deemed to begin with the dawn of history and reach to modern times."

That is, early geological history through the thousands of years of Indian habitation. It was a continental divide, again, connecting to the drainage area where the Great Lakes and the Mississippi drainages come together. It is that history that is being celebrated.

Chicago is intimately connected. It is where the canal terminated. Chicago was laid out in 1830 by the canal commissioners as a canal town, just as Lockport, or Ottawa, or LaSalle was later, and so to exclude those sections I think would be a grave mistake.

With regard to the cost figures, I also disagree with the director there. It is true that there are certain activities, duties of the Secretary of the Interior, that are required by the bill, but many of those have already been completed since so much time has passed since the bill was initially enacted in 1984.

For instance, the Commission on Chicago Landmarks has completed their ward by ward, neighborhood by neighborhood, inventorying of historical sites, so all of those Chicago neighborhoods are inventoried.

Also, survey and inventory is a long-term process, and so I think the additional cost would be minimal. It is premature to say exactly what they would be. They would be spread out over time, but certainly not $500,000 in terms of survey and inventory.

Likewise, in terms of technical assistance, I mean one of the major goals of the corridor is to encourage enhancement of that landscape, preservation of its resources, interpretation of the rich history, and also to serve as a catalyst for economic revitalization, heritage tourism being one of the goals.

To have at your terminus the City of Chicago, and to have important sites there as anchors that can direct the millions of tourists and residents throughout this corridor is a tremendous economic plus. So I think as a catalyst the corridor has generated tens of millions of dollars of investment, public and private, in that region, and I think we are losing out by not having a dramatic presence at the terminus in Chicago.

With regard to Lake Renwick, the heron rookery, that is a true extension. This area, at the time of our negotiations back in 1983 and 1984, was not publicly owned. It recently has been acquired. It was dedicated as an Illinois nature preserve. It is the largest heron rookery in Illinois. The birds feed in the corridor. In terms of interpreting the natural history of this ancient transportation corridor, it is important to include that. No costs would be associated with it. It is immediately adjacent. This is really, I think, a minor revision.

So we feel that it is terribly important that this process be completed. We went to the Secretary of the Interior in 1987. He said it was not a minor revision. We had to go back to Congress. We are finally here, and we really would appreciate it, you know, if you could move on this. The communities affected on the eastern edge already think that they are part of the corridor, quite frankly, and many exciting initiatives are already underway. So we think it is more housekeeping than a major revision.

I appreciate your interest and willingness to listen to us, and if there are questions that I can answer, I would be more than happy to do it.

[The prepared statement of Mr. Adelmann follows:]

Prepared Statement of Gerald W. Adelmann, President, Upper Illinois Valley Association

My name is Gerald Adelmann, and I am President of the Upper Illinois Valley Association. Our not-for-profit organization, with our founding organization, Open Lands Project, has provided private sector leadership for preservation and revitalization in the region surrounding the Illinois and Michigan Canal for the past decade.

We are delighted that the Senate is considering expanding the boundaries as originally intended in the Act of 1984. I would first like to explain the purpose the National Heritage Corridor, describe the historical rationale for its boundaries, particularly the eastern portion before you today, and then discuss the designation process.

PURPOSE OF DESIGNATION

The purpose of the Illinois and Michigan Canal National Heritage Corridor, according to the 1984 Act, is:

> to retain, enhance and interpret, for the benefit and inspiration of present and future generations, the cultural, historical, natural, recreational, and economic resources of the Corridor, where feasible, consistent with industrial and economic growth.

The designation was intended to be an alternative to land acquisition or regulation used in earlier models for national parks, and to find a new way to recognize, protect and enhance the important resources contained in the complex regional landscape that extends from Chicago to LaSalle/Peru surrounding the old Illinois and Michigan Canal and related inland waterway system. It is a designation that carries with it no regulatory powers. Instead, the corridor designation establishes a framework for interpretation of our heritage, recognition of our resources, and leveraging public and private support and investment.

HISTORICAL RATIONALE

The designated region is an historic transportation corridor that today combines modern industry with vestiges of earliest human settlement. For thousands of years, Native Americans used the portage between Lake Michigan and the Illinois River for travel and trade. That portage, located at the Continental Divide at what is now Harlem Avenue, inspired explorers Louis Jolliet and Pere Marquette to suggest a canal linking Lake Michigan to the Mississippi River in 1673.

The Canal was finally constructed between 1836 and 1848, hand-dug by immigrant labor in an enterprise controlled by state appointed Canal Commissioners. Those same commissioners platted towns along the length of the canal, starting with Chicago and extending 9 miles to the west. Today, towns such as Ottawa and Lockport, and Chicago neighborhoods such as Bridgeport and Pilsen, reflect their origins as canal communities. Chicago's Grant Park along the lake front is also the heritage of the Canal Commissioners, who wrote "forever open, free and clear" on their plat.

Completed in 1848, the Canal opened the midwest to national and international markets, and secured the future of Chicago as the region's commercial center. A feeder canal along the Cal-Sag Channel helped to keep water in the 96 mile Illinois and Michigan Canal. The Canal was reached from the Chicago River at a turning basin in the Bridgeport neighborhood, also the site of the pumping station. This site is currently being considered as the City of Chicago's first archaeological landmark.

The canal assumed an important place in engineering history in 1871 when it was deepened in order to reverse the flow of the Chicago River.

The Illinois and Michigan Canal was the first man-made waterway within the transportation corridor that opened the west and made Chicago the midwest's major metropolis. It was followed by a network of railroads, and the Sanitary and Ship Canal. Today, Navy Pier remains as a last vestige in the downtown of Chicago's port heritage. With increasing congestion in the downtown area, Calumet Harbor became Chicago's twentieth century port. Thus, the transportation corridor, named for the Illinois and Michigan Canal, encompasses the region's heritage from pre-historic to modern times.

DESIGNATION PROCESS

Creating the nation's first National Heritage Corridor was a long term consensus-building process. At the request of Senator Percy in 1981, our Association brought together the Park Service, state and local government, business and industrial leaders, and the conservation and preservation communities in a unique coalition. These varied groups determined that a framework was needed to bring visibility to the nationally significant cultural landscape that links the City, historic towns, industry, farmland and natural areas through their mutual transportation heritage. The Heritage Corridor boundaries and designation that emerged were the product of an extensive public planning process.

In 1984, the legislative process was proceeding quickly while consensus was still being built for specific boundaries in the eastern part of the Corridor. The coalition promoting the designation worked with Michael Conzen, Chairman of the University of Chicago Geography Department, and determined that rather than completing the boundaries east of Harlem, Dr. Conzen should use the cartographic convention of dotted lines along the Sanitary and Ship Canal and Cal-Sag Channel to indicate that exact boundaries would be specified later. Language was included in the legislation to allow the Secretary of Interior to clarify the boundaries once consensus was reached.

In 1987, consensus had been achieved on the boundaries east of Harlem Avenue, and the federally appointed Illinois and Michigan Canal National Heritage Corridor Commission asked the Secretary to modify the original dotted lines. The Secretary felt that this was "more than a minor change" and required Congressional action. It is our position that this boundary definition fulfills the original intent of the legislation, and is consistent with the design of the entire corridor. The intention was never to designate the waterways alone, but to provide a context for interpreting their importance to the nation's history in the framework of a historic transportation corridor. Neighborhoods, parks, and the urban landscape included in the boundaries before you today are all significant contributors to this important part of our heritage and should not be overlooked.

ADMINISTRATIVE PROCESS

The National Heritage Corridor program is administered by a 19-member volunteer commission, on which I sit. The modest federal budget for our programs allows for staff and interpretive programs such as signage. We work extensively with existing state agencies, municipalities, private organizations, and committed volunteers to promote the goals of the heritage corridor.

Any additional costs for administering the expanded eastern portion of the corridor would be minimal. Much of the survey work that needs to be done within the corridor has been completed by other agencies, particularly, by the Commission on Chicago Landmarks. Staff and systems are already in place to accommodate any expansion of programs within the city.

It is important to note that because we have always looked at the corridor as an area surrounding the waterways, local communities, such as Bridgeport, have initiated programs consistent with the corridor's goals. In many ways, this boundary adjustment will recognize what already exists, and complete the original intention of the 1984 legislation.

LAKE RENWICK AMENDMENT

Also proposed as an addition to the Heritage Corridor boundary is the Lake Renwick Nature Preserve. This is the largest heron rookery in Illinois, and is a nesting site for several rare and endangered species. Adjacent to the existing corridor boundaries, the preserve was recently officially dedicated by the State of Illinois, after a multi-year private-public cooperative effort ensured its preservation.

Lake Renwick is a major contributor to the natural heritage of the corridor, and offers a nesting ground for birds that feed in the river valley in areas such as the Lockport Prairie. Now that it is officially preserved and dedicated, it should be recognized as part of the Heritage Corridor.

CONCLUSION

The Illinois and Michigan Canal National Heritage Corridor has become a national model for preserving and stimulating revitalization of some of our nation's most significant, yet often overlooked, historic and natural resources. The designation has stimulated pride, and resulted in investment in our heritage. I urge you to complete the process started in 1984 by finalizing the eastern boundaries of the corridor, including the historic neighborhoods and areas presented to you today.

Senator BUMPERS. I will save the questions for the time being. Mr. Serynek.

STATEMENT OF THOMAS C. SERYNEK, PRESIDENT, SAVE THE DUNES COUNCIL

Mr. SERYNEK. Chairman Bumpers, my name is Thomas Serynek. I am a lifelong resident of Gary, Indiana, and I am a fourth-grade teacher for the Gary Community School Corporation for the last 22 years.

I am also president of the Save the Dunes Council. For the last 22 years, we have been working to preserve and protect the Indiana Dunes ecosystem. On behalf of my organization, I would like to thank you for this opportunity to testify on S. 2882 and H.R. 3209. We also thank Senators Lugar and Coats and Congressman Visclosky for introducing their respective bills.

The 14,000-acre Indiana Dunes National Lakeshore, as Superintendent Endquist said, was visited by more than 1.8 million visitors last year. That is the same number of people who visited the 1-million-acre Glacier National Park last year. In 1984, the Paul H. Douglas Center for Environmental Education serviced 57,095 schoolchildren.

The lakeshore is popular because of its natural beauty and the facilities and programs provided by the National Park Service. For the past 38 years, the council and other environmental groups have worked to include many areas in the park. Some have been included and others have not, and have since been destroyed. Others are still in their natural state, but are sure to be lost soon if they are not included in the park.

You have the opportunity to add some of these outstanding areas to the park. The areas are necessary to meet near future demands for usage and demand for open space, and to facilitate and expedite visitor access. Some areas are necessary to protect and enhance the ecosystem of the Indiana dunes.

The Save the Dunes Council supports the preservation provisions of both the Senate and the House bill. The Pottawattomie Woods, the Miller High Dune, Porter Beach, Highway 49, U.S. 12, and the campground additions are needed for visitor access, but in most cases are also important for their own inherent natural value.

The Woodlake Dune Savanna, the Calumet Prairie, the Gaylord Butterfly Prairie, and Hobart Prairie Grove, add rare habitat and vanishing plant and animal species to the park. Of major importance is ensuring the preservation and protection of the existing flood plains, wetlands, river valleys and slopes of the South Creek and Little Calumet River. They are critical to maintaining the natural, effective drainage patterns.

These valleys are important habitat for a major part of Indiana's salmon and trout fishing. The Little Calumet contains one of Lake Michigan's two remaining spawning grounds for northern pike. Growing development pressures, documented instances of legal and illegal filling, absence of effective prohibition on draining, make assured preservation vitally important.

For 30 years, the Porter County's master plan has called for these areas to be future park and recreation areas. To date, no county action has been taken to implement these plans. The House-passed bill provides for a land protection plan and the committee report emphasizes that the goal can be accomplished primarily through easements.

The 2-year study envisioned would develop, with the input of all interested parties, the level of Federal ownership required and the type and location of any public access. Supporters of the House-passed bill stress that acquisition of homes is not necessary, desirable, or anticipated. The real threat to land and landowners along both the river corridors is growth, and an atmosphere of inadequate laws at both the State and local levels.

In areas not related to boundary issues, the council does not support the extension of leasebacks, and we also think that all new homes added to the park should have the same homeowners provisions. None should have—they should not be different from other people.

We do support the Deep River corridor study, the cooperative agreement between the National Park Service and the City of Gary, and the removal of restrictive language in regards to the acquisition of Crescent Dune. We support the renaming of the visitors center for Dorothy Buell, who was the founder and the first president of Save the Dunes Council. Without her insight and persistence, there would not be an Indiana Dunes National Lakeshore right now.

We also support the provision for the study of Union Station in downtown Gary, and I would like to thank you again for this opportunity to testify.

[The prepared statement of Mr. Serynek follows:]

PREPARED STATEMENT OF THOMAS C. SERYNEK, PRESIDENT, SAVE THE DUNES COUNCIL

Chairman Bumpers and Members of the Subcommittee, my name is Thomas C. Serynek. I am President of Save the Dunes Council, a grass roots citizen organization whose primary purpose for nearly 40 years has been and continues to be preservation and protection of the Indiana Dunes for public use and enjoyment. I am a lifelong resident of Gary, Indiana and have been a fourth-grade teacher in the Gary Community School Corporation for the past 22 years.

On behalf of the Council, thank you for scheduling this hearing on S. 2882, the proposed Indiana Dunes National Lakeshore Access and Enhancement Act introduced by Senators Richard Lugar and Dan Coats. We appreciate its timely scheduling since Congress is expected to adjourn in the very near future. Threats to the fragile dunelands and wetlands we work to protect are ever-present and escalating rapidly, making prompt and positive action on dunes legislation imperative.

COUNCIL ROLE IN DUNES PARK FORMATION AND PROTECTION

Saving the dunes, as our name implies, has been the focus of the Save the Dunes Council since its founding in Ogden Dunes, Indiana, in 1952 by Dorothy R. Buell. A volunteer organization, incorporated under the laws of the state of Indiana, we have spearheaded the grass roots efforts to preserve the Indiana Dunes as a unit of the National Park System. A detailed explanation of our activities in pursuit of this goal is contained in the attached brochure, "Join Us at the Indiana Dunes." Also attached is the recent editorial about the Indiana Dunes and current legislation to enhance it: "Indiana's Grand Canyon."

Legislation passed by the Congress in 1966 authorizing the creation of the Indiana Dunes National Lakeshore was the result of 14 years of citizen effort combined with the dedication and support of members of Congress who championed the cause of saving this national treasure. We successfully campaigned for dunes park expansion in 1976, in 1980, and in 1986. We appear here today urging this Subcommittee to recommend to the Senate that needed protection for duneland and related wetland resources combined in S. 2882 and H.R. 3209 be enacted into law this year.

Needed park additions are not the Council's only focus. We oppose activities which threaten park lands either authorized or already acquired. We actively cooperate with other environmental and civic groups working to reduce and eventually eliminate the pollution problems affecting the Indiana Dunes and the environment surrounding the park, including Lake Michigan.

AREAS WE SUPPORT FOR ADDITION IN S. 2882

Lake County

I-H. Woodlake Dune Savanna and Inland Manor.—This 200-acre duneland area combines rare dune and swale natural features, providing habitat to several rare floral species, and the Inland Manor Subdivision of about 90 modest homes (which would be surrounded by national park land) whose owners have petitioned to be included in Lakeshore boundaries.

I-J. The 22-acres Pottawattomie Woods parcel consists of unimproved and partly disturbed duneland. In addition to protecting open space adjacent to existing park boundaries, it will also facilitate improved access at the Lakeshore's popular West Beach Unit.

I-K. Miller High Dune is a 45-acre dune, a poignant reminder of the loss of acres of similar high dunes along U.S. 20 to sand mining and development along U.S. 20. The disturbance visible from the highway caused by off-road vehicles contrasts with the natural values still apparent on its north face. Owner has a court-validated permit to mine the dune out of existence, which will be this dune's fate, too, if not added to the Lakeshore.

VI-B. Known as the Gaylord Butterfly Addition to the Hoosier Prairie, this 175-acre dry sand prairie provides a duneland habitat unlike any presently preserved within the Lakeshore's existing boundaries. Its unusual plants attract and nurture several species of butterfly found at no other location in Indiana. Proposed to be managed by Indiana's Division of Nature Preserves as part of the adjacent Hoosier Prairie.

VII-D. The 170-acre Calumet Prairie tract contains 140 acres of high quality wet sand prairie, a dunes ecosystem type not presently represented in the Indiana Dunes National Lakeshore. The prairie provides habitat for several rare plant and animal species. Additionally, VII-D provides access to over one mile of riverway along the west branch of the Little Calumet River to allow new opportunities for water-related recreation.

IX-A. The Hobart Prairie Grove is a rare black soil savanna, a landscape type that is nearly extinct today because its productive soil was so sought after for agriculture. This extraordinary 280-acre tract is a remnant of what was once a dominant landscape in the Midwest.

Porter County

I-L. The U.S. 12 Addition is a 13-acre tract adjacent to the Inland Marsh Area of the National Lakeshore. It provides the National Park Service with the opportunity to enhance access to the Inland Marsh area by creating a new entrance and an improved trail system.

I-M. The State Route 49 Corridor is the most frequently used entry to both the Indiana Dunes National Lakeshore and the Indiana Dunes State Park. The 33-acre parcel combines dune and watercourse protection along with maintenance of an attractive "gateway" to the dunes parks.

II-A. The NIPSCO "Greenbelt".—This 90-acre parcel, carrying the acronym of owner Northern Indiana Public Service Company, will be made available for access for resource management, interpretation, and hiking, based upon a cooperative agreement to be worked out between the National Park Service and the utility. Proposed for addition by the Council and other conservation groups since 1971, and studied by the National Park Service in 1977 at the request of Congress, it is an important addition to the unique Cowles Bog Area of the National Lakeshore. Both dunes bills provide for notification to this Senate Subcommittee and the House Subcommittee by the company if they contemplate putting the land to another use.

II-L. The three-acre addition in the town of Porter will allow the National Lakeshore to develop a facility for beach access for the handicapped, develop additional parking and provide restroom facilities. The planned relocation of a roadway away from the beach will help to mitigate the beach erosion that the present roadway location has aggravated during high lake levels.

II-M. National Lakeshore Campground Addition enlarges the land base for the National Lakeshore's campground, would provide for additional campsites for recreational vehicles, a parking site for a future shuttle to nearby Lakeshore beaches, and preserves an additional segment of the historic Glenwood beach ridge, formed some 15,000 years ago. Most of the addition is in county zoning classifications the Council considers incompatible with a campground use.

The Council continues to be concerned that the intent of Congress in the 1980 legislation, when it added land specifically for development of a campground, has not been fully carried out. In the Council's opinion a 30-acre deficit in acreage exists in the present boundaries, due to still unexplained changes in the area's north boundary when mapped after the authorizing legislation became law. The House Interior Committee report also takes official notice of this discrepancy:

> It has been brought to the Committee's attention that a previous map numbered 626-91014 and dated December 1980 . . . shows the Campground . . . as containing approximately 157 acres. The legislative history accompanying this park addition . . . clearly shows [it]was to encompass 182 acres.

III-G. Beverly Shores wetlands proposed for preservation in S. 2882 would enlarge by 80 acres that part of the Great Marsh under National Park Service protection. The Great Marsh was a vast wetland that once stretched uninterrupted from Michigan City to Gary. Only National Park Service ownership of what remains of this magnificent wetland complex will guarantee its survival. While we applaud this addition of wetlands immediately adjacent to existing park boundaries, we continue to urge preservation of all wetlands within the town of Beverly Shores that remain unprotected, and therefore threatened.

AREAS WE SUPPORT FOR ADDITION INCLUDED IN H.R. 3209 BUT ABSENT FROM S. 2882

The River Corridors

As passed by the House of Representatives May 1 of this year, H.R. 3209 proposed that all of the Little Calumet River flowing between the Heron Rookery and the Bailly/Chellberg Unit of the existing park and that part of the Salt Creek river valley flowing between Interstate 94 and County Road 700 North should be included in the boundaries of the National Lakeshore. It provided for development of a Land Protection Plan for each corridor, based upon a two-year study to be conducted by the National Park Service. As H.R. 3209 clearly stated:

> The plan shall include, but shall not be limited to, a determination of the lands, waters and interests therein to be acquired to provide for the protection of these riverine and wetland systems.

When Porter County commissioned its first Master Plan, most of the areas in both river corridors lying totalling within county boundaries were proposed as "future park and recreation areas." The most recent update of the county plan still acknowledges this proposed use, but in the 31 years that have passed since the first master plan was approved, no county action has been undertaken to implement these plans.

Recently, a group of property owners who believe they are adversely affected by both H.R. 3209 and S. 2882 have formed a landowners association, and have offered "conservation easements" to the Porter County Commissioners. These would allow the County to inspect the properties to determine compliance with existing law. The Save the Dunes Council has examined the "conservation easements." We have concluded that they will not accomplish the stated goal of preservation, but are intended by the proponents to "keep them out of the [S. 2882] study." Our analysis of the terms, conditions of these "conservation easements" is attached.

We support the House-passed bill because it provides for achievable land protection. The House Interior Committee report emphasizes that this goal can be accomplished primarily through the use of easements. The two-year study envisioned would develop, with the input of all interested parties, the level of federal ownership required and the type and location of any public access.

As supporters of the House-passed bill, we want to emphasize that acquisition of homes in these corridors is not necessary, desirable, or anticipated. Information circulated by interests opposed to federal protection of these river corridors has been calculated to alarm people, whether or not directly affected by the proposal, by misstating the purpose of the additions, misrepresenting the impacts on affected property owners, claiming that normal drainage functions would cease, and falsely accusing the National Lakeshore staff as "unable to care for what they have."

More detailed information on each river corridor follows. Maps of the corridors as proposed by H.R. 3209 are appended to this statement.

Little Calumet River Corridor: As proposed by H.R. 3209, most of the east arm of the Little Calumet River still outside the boundaries of the Indiana Dunes National Lakeshore would be added to the park, closing the present gap existing between the Lakeshore's Heron Rookery on the east and its Bailly Homestead historic area on the west. This would protect about 1200 acres of valuable river valley, slope, and wetland areas essential to maintaining a high quality resource, and to improving the elements necessary for Indiana's popular and successful salmonid stocking program to thrive. In addition, the Little Calumet River is a major tributary to Lake Michigan, the major source of industrial water supply and drinking water for four Midwestern states, and itself a prime recreational resource for millions of people.

Preservation of the floodway, floodplain, wetlands, river valleys, and slopes are also critical to maintaining natural, effective drainage patterns. Development pressures and documented instances of both legal and illegal filling make preservation of the entire corridor both sensible and desirable. The absence of effective state and local laws and regulations make such protection imperative. H.R. 3209 closes the "gap" now in existence along the Little Calumet River.

S. 2882 substitutes a detailed two-year study of this river segment, in cooperation with affected landowners, conservation organizations, local and state government, and federal agencies. After completion of the study, the parties are given 6 months in which to adopt protection measures, but no assurances are provided that the Little Calumet River corridor would actually be protected. There are no precise boundaries proposed for the study in S. 2882.

Salt Creek Corridor: H.R. 3209 also extends federal protection along the Salt Creek corridor an additional six miles from the present Lakeshore boundary at Interstate 94 south to County Road 700 North. It is also a salmonid spawning and migration stream. Some natural reproduction of stocked species has been observed. A total of approximately 1000 acres is involved, with the level of acquisition and public use to be determined during the two year study leading to a Land Protection Plan.

Attached to this statement is a recent study of the substantial economic benefits of the Salt Creek fishery prepared by the Sport Fishing Institute.

S. 2882 proposes a detailed, two-year study for the Salt Creek Corridor, led by the National Park Service, with emphasis on local control and cooperation but with no guarantee that the preservation and protection goals the Council supports will actually result. Preservation of the creek's existing ability to handle normal storm events is another incalculable benefit of preserving it in its natural state. Development pressures, illegal dredging upstream, and documented instances of both legal and illegal filling, plus the absence of any effective prohibitions on draining or filling make preservation in the National Lakeshore vital. There are no precise boundaries for the study proposed by S. 2882.

OTHER LEGISLATIVE ISSUES NOT RELATED TO BOUNDARIES

We support the following provisions in S. 2882 that are also contained in H.R. 3209:

Renaming the Visitor Center at the Indiana Dunes National Lakeshore for Dorothy Buell, founder of Save the Dunes Council and its first president. Her foresight and persistence ignited the spark that led to the establishment of the park by Congress in 1966.

The National Park Service study of the Deep River Corridor to make recommendations for improved public access, recreational opportunities, and to identify the appropriate government agencies to administer it.

Authority for the National Park Service to enter into a cooperative agreement with the city of Gary whereby the Park Service can provide technical assistance to the city in the management and development of Marquette Park and the Lake Street beach.

Removal of the restrictive language in the existing law that has prevented acquisition of Crescent Dune, a 35-acre high dune and lakefront parcel that was added to the Lakeshore's boundaries in 1976.

For the record, the Council supports the provision in H.R. 3209 that directs National Park Service to study Gary's Union Station for possible use as a visitor center. We call this to the committee's attention since S. 2882 does not include this study.

PROVISIONS IN S. 2882 WE DON NOT SUPPORT

S. 2882 provides for the extension of existing leaseback contracts, permitting those owners of reservations of use which last 25 years or less to extend them to 29 years. We do not believe it is in either the public interest or the Lakehosre's interest to permit extensions. The extension provisions in the 1980 dunes legislation were an attempt to make up in part for the reduced options provided to homeowners in the 1976 legislation.

S. 2882 provides for differing provisions for owners of improved property that would be added to park boundaries by S. 2882. Homes located in the II-M area would be acquired only on a willing buyer/willing seller basis. Homeowners in other areas, specifically I-H, would not have that option.

AREAS PROPOSED BY ENVIRONMENTALISTS BUT NOT INCLUDED IN EITHER BILL

The Statement of Save the Dunes Council before the House Subcommittee on National Parks and Public Lands, November 16, 1989, included a joint proposal by Indiana environmental groups that identified valuable but still unprotected duneland and related wetland areas we believe should be added to the National Lakeshore.

The combination of areas proposed in H.R. 3209 and S. 2882, the subject of this hearing, are worthwhile additions to the Indiana Dunes National Lakeshore. However, many of the areas proposed by the environmental coalition are not included in either of the above bills.

In Lake County, we proposed twelve areas for addition to the park. We are pleased that three of these areas are a part of both the House and Senate bills. Nonetheless, we want to point out that the areas we proposed are, with one exception, adjacent to the existing Lakeshore boundaries; and several have been studied in the just released National Park Service study of the Lakeshore's West Unit, which updates the 1980 General Management Plan for that part of the park. Two of these areas have been identified in advance by the Army Corps of Engineers and the Environmental Protection Agency as wetland areas where, because of their natural value, permits to fill would be automatically recommended for denial. All are in Gary.

In Porter County, valuable natural areas not included in current dunes legislation are a major natural area, home of several rare and threatened plants, including one found nowhere else in Indiana, adjacent to the Inland Marsh area of the existing park; and a small duneland area north of U.S. 12, also adjacent to existing park boundaries, but being offered by its owner for industrial development. Objections to the proposed industrial development expressed by residents of the adjacent town, its town board, and by environmental groups has apparently convinced the industry to change its mind—for now. Another nearby area, also included in the environmentalists' proposal, has been nearly leveled by sand mining in the 18 months since we proposed it. All are in the city of Portage. We also proposed undeveloped dune tracts that comprise watershed areas for the Lakeshore's Cowles Bog Area, consisting of the north slopes of high dune ridges that are generally considered unsuitable for development. The areas are located within the towns of Dune Acres and Porter.

The time is short. The need is clear. Attached is a copy of the Council's message in support of good dunes legislation that is appearing this week in local newspapers.

Fort Wayne

EDITORIALS

The Journal-Gazette
Wednesday
September 19, 1990

Craig Klugman
Editor
Sherry Skufca
Managing Editor

Richard G. Inskeep
President and Publisher

Julie Inskeep Walda
Assistant to the Publisher
Larry Hayes
Editorial Page Editor

Indiana's Grand Canyon

We Hoosiers sing about the Wabash River and drive through Brown County colors, but Indiana's most special natural feature lies in the urban region along Lake Michigan.

The Indiana Dunes National Lakeshore is our Grand Canyon. It's a wonder of rolling sand hills, grasses and forests set against the backdrop of America's inland sea. That such a place exists amidst the crowding and pollution of northwest Indiana is extraordinary.

Environmentalists, however, believe development pressures are threatening the natural areas. In the old days, said Charlotte Read, executive director of the Save the Dunes Council, the contest was between industry and preservation. But now there is pressure for residential and shopping development, too.

The council wants the government to buy more land to protect the narrow park from such land uses. For example, Read said, if certain wetlands outside the present parkland are drained, that will damage the park itself.

The House of Representatives has already passed a bill for more land. A hearing on the Senate bill will be held Sept. 27. Time is short before Congress adjourns this fall. But there is still enough time for the Senate to act, if friends of the Dunes let senators know it's important.

Eugene Hester, associate director for natural resources in the National Park Service, opposed the House bill. He said the proposal to buy land needs more study. That would be a better argument if park service expansion hadn't been crippled by the anti-government-land attitude of the Reagan administration. There may be a turnaround under George Bush, but if Congress is convinced the Dunes expansion is as logical as it seems to be, it should not wait for a study while the development pressure grows.

Besides, National Park Service Director James Ridenour is a Hoosier, and he wants to expand the Dunes Lakeshore. Ridenour knows that use of urban parks is booming, and the Dunes Lakeshore is a grand example.

For both recreational and environmental purposes, Congress should pass a Dunes expansion bill this year.

SALT CREEK AND LITTLE CALUMET RIVER "CONSERVATION EASEMENTS"

The Save the Dunes Council commented on the first proposal for conservation easements for these waterways by the Salt Creek and Little Calumet River Preservation Association. The proposal was changed and the first proposal was voided. The second version offers somewhat more specific protection, yet questions concerning the enforcement and methods to determine compliance remain.

We are concerned that no legal description of the properties is included. Also, an attachment "Exhibit A", was not included. There are no definitions for "wetland values","agricultural and forest uses", "prudent agriculture" and for other terms used in these agreements. No definition for "floodplain" is included except as contained in the County Ordinance Number 82-8, which allows filling wetlands to raise property above the existing floodplain. There also is concern about the impact of these agreements within other municipal jurisdictions, not under County control.

The impact of these agreements on any lien holder is not clear. However, our conversations with bank officers holding liens along these waterways indicate the banks will be reluctant to be party to these agreements. The agreements would make property owners responsible for reimbursing the County for all court costs, attorney fees, lab tests, and other costs incurred no matter which party prevailed in a dispute. These costs would then attach as if said expenses were real estate taxes.

In conclusion, the impact of these agreements is unclear. The deed restrictions and financial implications may have serious consequences for property rights and future property transfer.

Sport Fishing Institute

1010 Massachusetts Avenue, N.W. (Suite 100), Washington, D.C. 20001 (202) 898-0770

ECONOMIC FACTS RELATED TO THE SALT CREEK SALMON AND STEELHEAD FISHERY

Preparer: Sport Fishing Institute: A National non-profit organization dedicated to the promotion of the conservation, development, and wise use of our national fishery resources. Anthony J. Fedler: SFI, Director of Economics, Ph.D in natural resources development with extensive experience in the analysis of the economic and social benefits of sport fishing.

Salt Creek Salmon and Steelhead Sport Fishing

- Salt Creek accounts for 36% of all stream salmon and steelhead angling in Indiana.
- 60% of all steelhead caught in Indiana streams are caught in Salt Creek.
- Salmon and steelhead fishing in Salt Creek generates $564,000 annually to the local economy.
- Salmon and steelhead fishing in the Little Calumet River adds $302,000 to the local economy.
- There is strong evidence that steelhead reproduce naturally in Salt Creek.
- 2,000 anglers fished Salt Creek for salmon and steelhead during 1988 and made 25,000 trips to catch salmon and steelhead.
- Salt Creek contributes significantly to the shore and boat fisheries for salmon and steelhead in Indiana waters of Lake Michigan.
- 55,000 anglers spent $30.1 million fishing for salmon and steelhead in Indiana waters of Lake Michigan during 1988.

Conclusions

Salt Creek is a unique and important fishery resource in Indiana. The salmon and steelhead fishery on Salt Creek stimulates significant economic activity in the local area. Salt Creek plays an important and unique role in Indiana's salmon and steelhead fishery. There is evidence that steelhead are reproducing naturally. This natural production coupled with annual stocking of salmon and steelhead supports an important portion of the harvest in Lake Michigan waters.

Protection of Salt Creek from dredging and other activities negatively influencing water and habitat quality will only result in better streams fishing. Protection will also enhance the economic and angler benefits resulting from water quality and habitat improvements.

The National Non-Profit Fish Conservation Organization

Save the Dunes Council
Established 1952
444 Barker Road, Michigan City, IN 46360 Phone: (219) 879-3937

August 1990

To Friends of the Indiana Dunes and Lake Michigan:

We seek your help in securing passage of Senate Bill S. 2882, the Indiana Dunes National Lakeshore Access and Enhancement Act sponsored by Indiana Senators Richard Lugar and Dan Coats. The bill passed the House as H.R. 3209 on May 1 where it was sponsored by Representatives Peter Visclosky and Jim Jontz of Indiana.

* The Indiana Dunes are a threatened resource of national importance. The ecosystem includes a remarkable variety of northern and southern plants, including globally rare species, sharing a narrow zone of prairies, wetlands and sand dunes along the Lake Michigan shoreline.

* The Indiana Dunes National Lakeshore is a national park in an urban setting, and as Indiana's largest national park offers diverse inspirational and recreational opportunities for Northwest Indiana and the nation as a whole.

* The legislation preserves threatened natural areas while seeking to improve access to the national park generally and to the handicapped for the first time.

* Both bills enable the National Park Service to acquire Crescent Dune, the shoreline dune area owned by Northern Indiana Public Service Company, which has not yet been purchased for public use, despite the fact that it has been within authorized national park boundaries since 1976.

* The House and Senate dunes bills differ in one very significant respect.
The House-passed legislation would protect several miles of the Little Calumet River and Salt Creek corridors (wetlands, floodplains, and valleys), while the Senate bill provides for study only. The Senate bill would preserve and protect almost 1300 acres of dunelands and wetlands. The House bill would preserve and protect almost 3200 acres of dunelands, wetlands, flood plain, and river valleys.

* **Please** contact Senator Richard Lugar and Senator Dan Coats,co-sponsors of the senate bill, SA. 2882,. Express your support for swift passage of a dunes bill that combines the preservation provisions of both S. 2882 and H.R. 3209.

To reach Senators Lugar and Coats,
call 1-937-5380, their Northwest Indiana office, or 202/224-3121 (the Capitol Switchboard in Washington, D.C.)and express your support for passage of a dunes park bill this year, or
write them : The Honorable ______________________
Senate Office Building
Washington, D.C. 20510.

INDIANA DUNES...

PRESERVATION

CRESCENT DUNE

DUNES IN LAKE COUNTY

LITTLE CALUMET RIVER

SALT CREEK

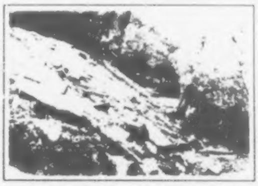
These natural areas are creations of the same glacier that formed Lake Michigan. Contained within are scenic rivers, ponds, dunes and wetlands, as well as one of the world's best Steelhead fisheries. These areas are unique. These areas are threatened...

OR

EXPLOITATION

Dumping in Little Calumet River Valley

Sand Mining in Porter County



Dumping in Salt Creek Valley

Pictured above are examples of the exploitation which will destroy the dunes, river valleys, and wetlands if they remain unprotected.

JOIN WITH US IN SUPPORT OF LEGISLATION THAT WILL PROVIDE NATIONAL PARK PROTECTION FOR THESE ENDANGERED AREAS.

Save the Dunes Council Inc.
444 Barker Road
Michigan City, IN. 46360-7426

Northwest Indiana Steelheaders Inc.
P.O. Box 701
Chesterton, IN. 46304-0701

For more information on the legislation, or how to join us, please contact us.

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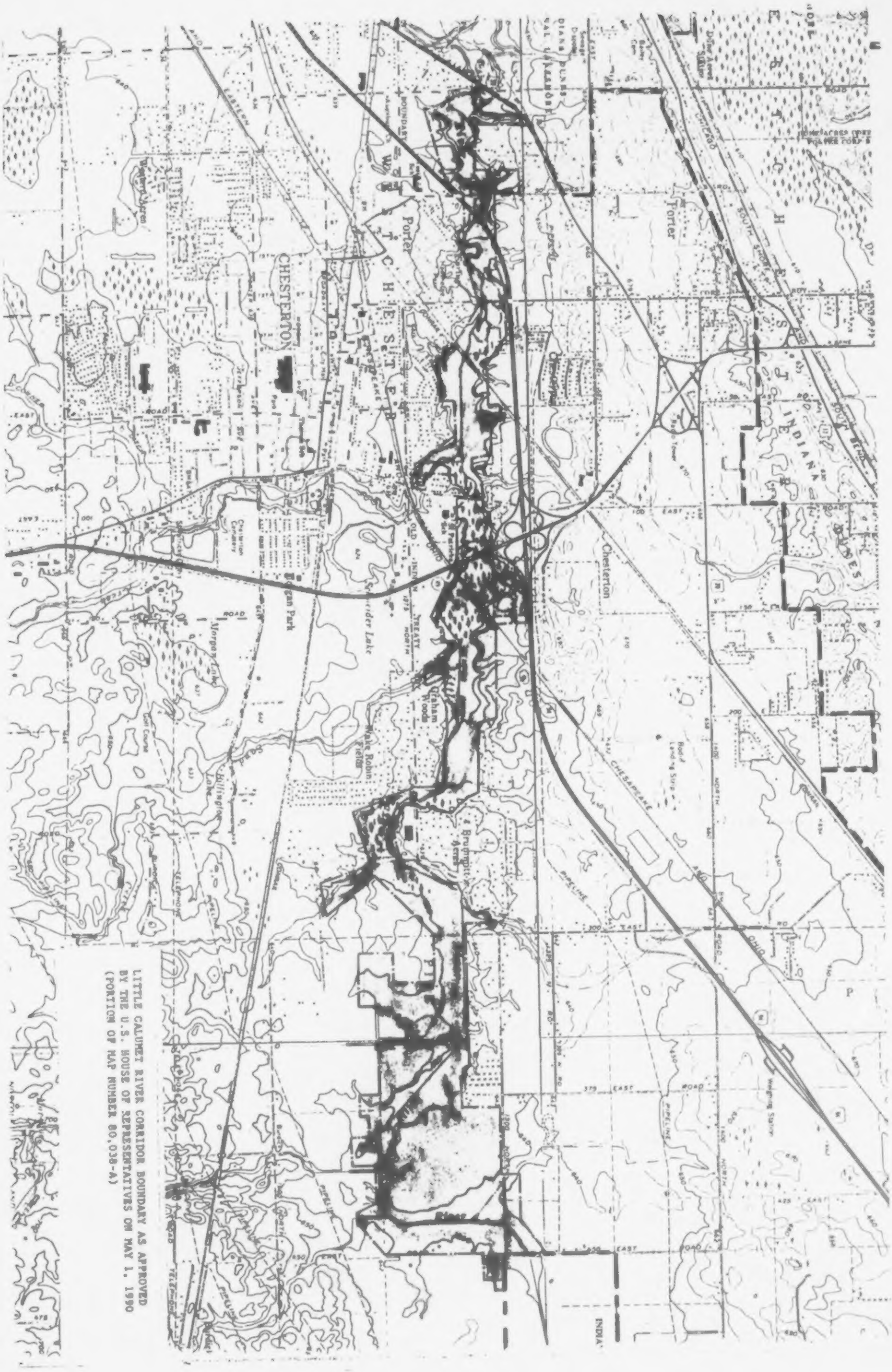
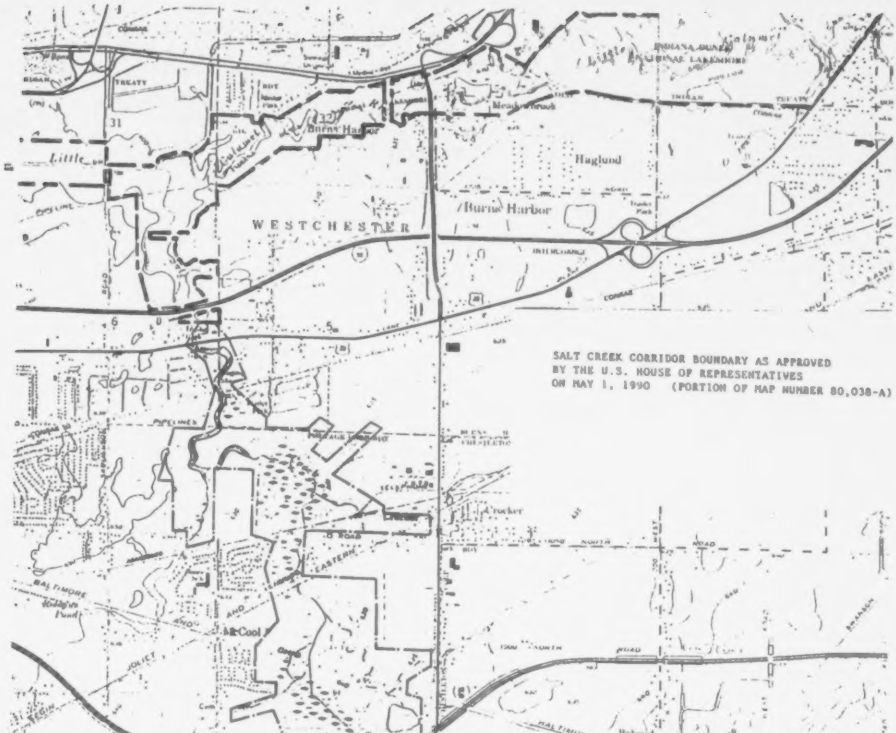

CHESTERTON
Porter
Porter
Chesterton
INDIANA
Graham Woods
Brummitt Acres
CHESAPEAKE
PIPELINE
Morgan Lake
Coffee Creek
Billington Lake

LITTLE CALUMET RIVER CORRIDOR BOUNDARY AS APPROVED BY THE U.S. HOUSE OF REPRESENTATIVES ON MAY 1, 1990 (PORTION OF MAP NUMBER 80,038-A)



SALT CREEK CORRIDOR BOUNDARY AS APPROVED
BY THE U.S. HOUSE OF REPRESENTATIVES
ON MAY 1, 1990 (PORTION OF MAP NUMBER 80,038-A)

INDIANA DUNES
NATIONAL LAKESHORE
Little Calumet
Burns Harbor
Haglund
WESTCHESTER
Burns Harbor
31
6
5
Little
Crocker
McCool
Babcock
BALTIMORE
18
G
E
Trader Park
19
20
Trader Park
30
29
South Haven
18

Senator **Bumpers**. Thank you very much.
Ms. Showers.

STATEMENT OF SUE SHOWERS, STEERING COMMITTEE MEMBER, STOP TAKING OUR PROPERTY

Ms. **Showers**. Thank you, Chairman Bumpers. My name is Sue Showers. I represent Stop Taking Our Property, and I am accompanied here today by Bill Tice, Diana Cook, Ed Swanson, Kathy Swanson, Sharon Fee, Laurie Packham, and Bill Carmichael. I am a lifelong resident of Northwest Indiana, as well as a homemaker, farmer, and mother.

Originally, the Indiana Dunes National Lakeshore Park was created to preserve the sand dunes adjacent to Lake Michigan from the immediate threat of commercial and industrial expansion, which historically had been moving steadily in an easterly direction around the tip of the lake. The current park boundaries have protected these dunes, plus a substantial buffer area adjacent to them. This buffer to the dunes extends in many areas as far south as U.S. 20.

The Indiana Dunes National Lakeshore Park as it currently exists has achieved its purpose of preserving the dunes. The continued preservation of the areas involved today can be accomplished through private ownership in combination with local zoning and ordinance regulation prohibiting development or destruction of these river corridors and the other areas.

We commend the initiative of Senators Coats and Lugar in finding alternatives to condemnation, and we thank them for showing concern for all their constituents. For this reason, we support S. 2882, except for the areas addressed in my written testimony. Very simply, we oppose further expansion of the Indiana Dunes National Lakeshore Park in Porter County. We fail to see the need for continued condemnation of homes, farms, and private properties for the purpose of park expansion.

In conclusion, we are dedicated to fiercely protecting against any threats that would be detrimental to these lands, rivers, and wetlands. We will continue these efforts, and look forward to working with local governmental entities to ensure ongoing protection and preservation of these precious areas.

Again, I would like to thank the members of the Senate subcommittee for the opportunity to provide this testimony. Thank you.

[The prepared statement of Ms. Showers follows:]

PREPARED STATEMENT OF SUE SHOWERS, STEERING COMMITTEE MEMBER, STOP TAKING OUR PROPERTY

We ask for clarification of the proposed study areas VIII-A and VIII-B commonly known as the Salt Creek and Little Calumet River Corridors as referenced in S. 2882. We are concerned that property owners to be given an equitable part of the decision making process and that the boundaries of the study be clearly defined.

We oppose the acquisition of Area II-M commonly known as Pine Township. The Indiana Dunes National Lakeshore Superintendent has stated publicly he has no plans to use this land for parking, shuttle service or campground extension. Additionally, the Pine Township area has been adversely affected by park expansion. The tax base has been eroded to the point where public service for this area are in jeopardy.

We oppose the acquisition of area II-L commonly known as Porter Beach. The National Park currently owns land that is more suitable for handicapped development and is closer to the beach.

Of the two expansion proposals before Congress, we feel S. 2882 is more reasonable and fiscally responsible. At a time when budget considerations are critical, it is important to prioritize expenditures of monies for those items that cannot be paid for in any other way than Federal dollars.

Stop Taking Our Property (S.T.O.P.) is a coalition of directly affected landowners formed in April of 1990 after learning of H.R. 3209 proposing expansion of the Indiana Dunes National Lakeshore. We are conservation minded citizens who have been protecting the land for generations. Our membership is representative of families living along Salt Creek, East Branch of the Little Calumet River, Town of Furnessville, Route 49 Corridor, Pine Township, and Porter Beach. Our common purpose is the preservation of the natural resources under responsible ownership. If not for our stewardship, there would be no river corridors or wetlands to protect.

In addition, there are currently County, State, and Federal laws that protect floodplains and wetlands. Use and preservation are already subject to regulation by the U.S. Army Corps of Engineers, EPA, U.S. Fish and Wildlife Service, and the Indiana Department of Environmental Management. Most importantly, Porter County has the majority of land in question protected through a County floodplain ordinance. This ordinance is more stringent than required for County and Federal floodplain insurance. Under its guidelines, absolutely no building can be done within the floodplain. There are strong provisions that prohibit variances to the zoning.

The State and Federal governments have existing laws that prevent the placement of fill in wetland areas without first seeking a permit. These permits are difficult to obtain for the simplest of proposals. Also, due to the nature of this land, it is not feasible to drain wetlands within the floodplain.

The Salt Creek and Little Calumet River Corridors were proposed for park expansion in 1972. The Department of Interior concluded they were:

> Neither unspoiled nor a major river valley . . . Under no circumstances should any portion of the suggested addition be part of the National Lakeshore. Responsibility for its preservation, pollution control, recreation development, and protection should rest with the State of Indiana. Twenty miles of unmanageable stream will strain the manpower resources of the park.

If these lands are added to the National Lakeshork Park, an additional 43 points of access will be added to the 93 points of access that now exist within the park. Many of these access points would be miles from the present park boundaries making adequate policing by park personnel impractical.

Compromises struck in 1966 allowed for the creation of the Indiana Dunes National Lakeshore Park and at the same time allowed for industry and homes. Subsequent expansion bills have resulted in repeated violation of the original intent. This has been very costly in terms of displaced families. Over 700 homes have been taken to create the present park boundary. Countless other undeveloped properties were also acquired. By contrast, the number of homes taken for all national parks combined is 1600. The result is 44 percent of all homes taken in the Nation to develop national parks were taken to create this one small urban park. With the proposed expansion, the total would rise to 56 percent of all homes. There have been more homes and businesses targeted for condemnation by the Indiana Dunes National Lakeshore than any other park.

The urban park by definition must be limited in scope to exist in an urban setting. There have been four expansion bills in the last 12 years. Expanding by thousands of acres through current legislation means additional condemnation of hundreds of properties. In terms of family disruption and sacrifices, the cost of this park far exceeds any in the country.

We commend the initiative of Senators Coats and Lugar in finding alternatives to condemnation. For example, the Route 49 corridor language allows the residents to maintain ownership of their homes and at the same time protects the State park entrance from undesirable development.

In conclusion, we are dedicated to fiercely protecting against any threats that would be detrimental to these lands, rivers, and wetlands. We will continue these efforts and look forward to working with local government entities to insure ongoing protection and preservation of these precious areas.

We thank the members of the Senate Subcommittee for the opportunity to provide this testimony.

Senator BUMPERS. Thank you very much.
Mr. Peterson.

STATEMENT OF RAYMOND A. PETERSON, CHESTERTON, IN

Mr. PETERSON. Thank you, Mr. Chairman. I am honored to appear before you today to discuss these House and Senate bills.

Generally, the current residents of the park support enactment of legislation which provides both for the protection and development of these historic, recreational, and ecologically sensitive lands. We will focus our testimony on the extension of leases for the current residents.

Certainly, Mr. Chairman, each national park is unique and therefore may require legislative variations. However, within each individual park, the policy regarding acquisition of property should treat all homeowners equally. This has not been true in the Indiana Dunes. We strongly support the Senate bill which will correct the significant inequity in terms of existing reservations within the lakeshore.

The reason this action is required relates to the dunes bill passed in 1980. That bill created a 29-year fixed-term lease by establishing the year 2010 as the final termination date of all fixed-term leases. That legislation also granted an extension to a large number of existing leases, which effected a 29-year term for those residents as well.

Unfortunately, that bill, 1980, neglected the first large block of people whose homes were acquired by the park in the original legislation. Those are the people who were granted only 25 years.

Enacting the proposed option to renegotiate all leases to an equal term is an equitable resolution that establishes fair treatment for all leaseholders. We realize that the committee may be concerned about setting a precedent with this action. Therefore, it is important to note that we are unaware of any effect within other national parks as a result of the extension that was granted a decade ago. The unique status of the dunes and these varying terms may not exist in other national parks.

There is a second critical factor, perhaps never recognized in the past and certainly a vital consideration, and one I refer to as financial discrimination. And this is a very important point, Mr. Chairman.

Although the 1980 extension legally offered the same option to all qualified holders of a reservation, in reality it was only offered to those people who were financially able to make the full 9-year payment for that extension in advance.

We have carefully reviewed the park records in terms of the leases and notice a very strong pattern. Lower-income areas in close proximity to the massive steel mills included a very high concentration of leases that were not taken for the maximum term, either originally or when the extensions were offered. In fact, 60 percent of the leaseholders in one area—that area closest to the steel mills, or 60 percent of the leaseholders were among that group that did not exercise the maximum.

Further investigation in contacting the steel companies proved that, in fact, there were dips in the steel industry both in the

1960's and the 1970's and its near total collapse in the 1980's which mirrored the passage of park legislation in all three cases.

Homeowners were required to make a significant cash outlay or financial commitment when their economic future was highly unstable. This placed the financially disadvantaged in a position unable to exercise the maximum term available.

Certainly, Congress could not have foreseen the development in the steel industries when it was preparing these park bills. This bill enables families that most need assistance a fair opportunity to renegotiate a lease of equal length, and provides a reasonable means of payment, more attainable by senior citizens and others who are financially disadvantaged. Mr. Chairman, we urge you and your colleagues to pass this portion of the Senate bill.

And in clear conscience I cannot appear before you without adding one personal statement. And that is I wholeheartedly support those people who have indicated the need to acquire the Crescent Dune as part of the Indiana Dunes National Lakeshore or to provide some protection that that dune cannot be developed commercially because it is the last remaining, pristine, untouched dune at that end of the park. And the plant is visible from everywhere in the park. No matter where you are, you can see that power plant. So even if it is there another 20, 25 years it would have no impact.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Peterson follows:]

Statement of Raymond A. Peterson, Chesterton, Indiana, spokesperson for residents currently owning a reservation of use and occupancy within the Indiana Dunes National Lakeshore, before the United States Senate Subcommittee on Public Lands, National Parks and Forests, public hearing on H.R.3209 and S.2882.

September 27, 1990

Mr. Chairman and Members of the Subcommittee, I am honored to appear before you today to discuss these House and Senate bills. Generally, the current residents of the park support the enactment of legislation which provides for both the protection and development of these historic, recreational, and ecologically sensitive lands.

We will focus our testimony on the extension of leases for the current park residents, Sec. 7, paragraph (c) of the Senate bill.

Certainly, Mr. Chairman, each National Park is unique and therefore may require legislative variations. However, within each individual park, the policy regarding acquisition of property, should treat all homeowners equally.

This has not been true in the Indiana Dunes. We strongly support the Senate bill which will correct a significant inequity in the terms of existing reservations of use and occupancy within the Lakeshore.

The reason this action is required relates to the Dunes bill passed by Congress in 1980. That bill created the 29 year lease, when it established September 30, 2010 as the termination date of all fixed-term reservations.

That legislation also granted an extension to a large number of existing reservations, which also effected a 29 year term for those residents. Unfortunately, that bill neglected the first large block of people whose homes were originally acquired by the park and granted only a 25 year term.

Enacting the proposed option, to renegotiate all leases to an equal term, is an equitable resolution and establishes fair treatment for all leaseholders.

We realize that the Committee may be concerned about setting a precedent with this action. Therefore, it is important to note that we are unaware of any effect within other National parks as a result of the extension granted 10 years ago. The unique status of the Dunes may not exist in other parks.

There is a second critical factor, perhaps never recognized in the past and certainly a vital consideration - financial discrimination.

Mr. Chairman, this is a very important point. Although, the 1980 extension was **legally** offered to all qualified existing holders of a reservation (lease of 20 years or less) in **reality** the extension was available only to those people who were financially able to make the required 9 year full advance payment.

We have carefully reviewed the park records and noticed a very strong pattern. Lower income areas, in close proximity to the massive steel mills, included a very high concentration of leases that were less than the maximum term available. In fact, 60% of the leaseholders in one area were among that group.

Further investigation proved that two major dips of the local steel industry, followed by its near total collapse in the 1980's, mirrored the dates when Lakeshore legislation was passed.

Homeowners were required to make significant cash outlays or financial commitments when their economic future was highly unstable. This placed the finacially disadvantaged in a position unable to exercise maximum terms. Certainly, Congress could not have forseen the development of these financial hardships when the prior bills were passed.

This bill enables families that most need assistance a fair opportunity to renegotiate leases of equal length and provides a reasonable means of payment more attainable by Senior Citizens and others who are financially disadvantaged.

Mr. Chairman, we urge you and your collegues to pass this legislation.

This concludes my summary, Mr. Chairman. I would be happy to respond to any questions that you or other members of the Subcommittee may have. Thank you, Mr. Chairman.

INDEX TO SUPPORTING WRITTEN TESTIMONY

- History of leaseback terms offered in each bill..................page 5
- Analysis of proposed leaseback extensions.........................page 6
- Analysis of current and proposed leaseback expirations...........page 7
- Park access and development - impact of leasebacks...............page 8
- Park visitation report (years 1975 thru 1988)....................page 9
- Annual park capacity statement and projections....................page 10
  (excerpt from Lakeshore General Management Plan)
- Park developments and improvements planned........................page 11-15
  (excerpt from Lakeshore General Management Plan)
- West Unit reservations sampling...................................page 16
  (referred to in oral statement page 3, paragraph 1)
- Senior citizens comments..page 17

Reservation of use and occupancy (leasebacks)

Indiana Dunes National Lakeshore

Congressional policy adopted in mid 1960's:

"Increasingly, over the last several decades, land acquired for National Park areas has included developed residential properties. In most cases the Congress of the United States, in authorizing these lands for acquisition, has allowed residential property owners to retain a right of use when their property was purchased. The most common terms for such reservations of use are 25 years and/or life tenure for the life of the original property owner and spouse. Congress adopted this policy generally in order to avoid undue hardship on current landowners through displacement, to avoid hardships to communities and taxing jurisdictions by spreading the loss of tax base out over time and, to a lesser extent, **to lower the initial cost of land acquisition.**"

The source of the above statement is unkown, however it was taken from a document prepared as background for the November 16, 1989 Subcommittee hearing on H.R.3209, and it is assumed it was provided to Subcommittee members and/or their staff.

Terms provided for homeowners in each Lakeshore bill:

LAKESHORE BILL	TERM PROVIDED	ULTIMATE MAX. TERM*
1966 establishment	25 years-no life estate, no condemnation of homes, not required to sell your home to the park	25 years
	15 years only to beach adjacent homes**	24 years
1976 expansion	20 years- no life estate, condemnation reinstated effecting all homes, including homes under 1966 bill	29 years
1980 expansion	September 30, 2010 or a life estate **plus...** an option for a 9 year extension to **all current** leaseholders (both original & non-original) with leases of 20 years or less (included beachfront)	29 years

ANALYSIS OF RESERVATION OF USE EXTENSION PROVISIONS OF S. 2882

Total Years Currently Reserved	# of ROU's	Length of extension (yrs) eligible for under S. 2882 **	Total
9	1 (1)	16	16 (16)
10	5 (4)	19	76 (57)
12	1	17	17
13	1	16	16
15	4	14	56
18	3	11	33
19	10	10	100
20	49 (4)	9	435 (30)
22	1	7	7
23	2	6	12
24	41	5	205
25	163	4	652
26	2	3	6
27	3	2	6
28	1	1	1
	287 (9)		1638 (103)

**Includes 9 reservations for which the owners are eligible for some extension but not for the full total of 29 years because they would exceed the 2010 cut-off date. () = the number of these ROU owners in each category and the total number of years they are eligible for.

There are a total of approximately 390 reservations of use. The remaining reservations of use are not eligible for extensions under Senate Bill 2882 because they are life estates (4); already extend to September 30, 2010 (31); and/or have already reserved a total of 29 years (69).

RESERVATION OF USE AND OCCUPANCY EXPIRATIONS BY YEAR

A comparison of existing terminations
versus
The proposed S.2882 29 Year Plan

Year	Current Expires	29 Year Plan
1989	13	0
1990	11	0
1991	1	0
1992	2	0
1993	14	0
1994	42	0
1995	75 (sub:158/42%)	0 (sub:0/0%)
1996	38	0
1997	12	6
1998	26	42
1999	14	89
2000	15 (sub:263/69%)	50 (sub:187/49%)
2001	32	9
2002	5	2
2003	4	3
2004	5	3
2005	3 (sub:312/82%)	36 (sub:240/63%)
2006	9	15
2007	18	48
2008	6	15
2009	8	23
2010	27 (sub:380/100%)	10 (sub:351/92%)

Note: Due to the 2010 maximum termination date 29 additional lease woudl terminate in that year. If these leases could extend beyond 2010 the number of expirations in each year would be as follows: 2011=10, 2012=1, 2013=2, 2014=8 and 2015=8.

IMPACT OF 29 YEAR LEASEBACK ON
PARK ACCESS AND DEVELOPMENT

Concerns were expressed in previously testimony before the House Subcommittee hearings on H.R. 3209 regarding possible impediment to both the general public access and development of the Lakeshore.

Extensive investigation of Lakeshore documents clearly indicates that the impact of leasebacks in both areas is very limited.

RECREATIONAL VISITS

Recreational visits to the Lakeshore, according to recent park records, have increased 178% between 1978 and 1988, growing to a total of nearly 1.9 million visitors annually (report follows).

This represents 80% of the maximum projected annual capacity of the park based upon the 1980 General Management Plan (excerpt page follows).

Additionally, the total projected capacity was based upon the acquisition by the Park of the entire Beverly Shores "island", which was not acquired, and the implementation of the entire four phases and 51 development actions specified in the GMP. Approximately only 14 or 25% of the 51 development actions have been completed with no apparent negative impact on the projected park visitation capacity.

Recreational: Visits include public programs/environmental education conducted programs, traffic counts, Ranger logs and local restaurant operating within boundaries (Red Lantern Inn).

RECREATIONAL VISITS

INDIANA DUNES NATIONAL LAKESHORE

	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989
JAN	967	970	1,040	1,191	822	3,969	7,800	5,551	6,010	10,651	35,403	101,346	38,578	61,882	71,349
FEB	857	1,842	1,786	1,810	1,643	3,720	5,976	8,232	7,795	9,106	47,997	58,965	93,538	67,916	67,604
MAR	1,733	2,230	2,577	1,928	3,049	9,117	24,335	20,240	29,073	15,036	82,956	106,915	171,758	89,714	97,777
APR	2,938	5,605	6,288	4,812	9,633	15,704	16,356	18,973	88,574	59,193	205,326	165,564	109,427	139,637	128,004
MAY	8,225	7,401	33,692	22,475	26,609	144,951	113,083	122,343	138,065	157,202	252,286	178,503	151,775	240,207	166,773
JUNE	21,897	29,107	31,321	31,733	263,508	264,476	184,853	159,700	297,513	266,251	272,462	232,041	252,000	276,778	248,495
JULY	35,262	54,473	105,839	225,768	365,379	396,056	225,617	282,807	346,380	281,379	275,402	298,004	248,556	335,816	
AUG.	15,941	30,333	45,415	177,271	315,219	238,587	176,637	216,637	288,396	369,824	204,361	281,497	236,969	271,779	
SEPT.	5,640	13,459	15,594	120,149	68,532	63,251	146,042	110,263	151,424	140,956	187,358	196,391	173,321	158,446	
OCT.	4,586	5,345	13,492	61,838	90,467	66,822	102,932	103,961	114,853	108,827	133,354	105,866	102,333	116,048	
NOV.	1,572	2,123	5,087	17,758	8,141	11,797	12,129	12,190	37,304	80,516	50,176	78,698	78,547	68,861	
DEC.	840	886	1,604	10,801	2,964	4,424	7,676	5,676	5,243	61,383	49,263	15,817	51,552	58,179	
TOTAL	100,458	153,774	263,735	677,532	1,156,166	1,222,874	1,023,436	1,066,573	1,510,630	1,560,324	1,800,326	1,819,607	1,576,238	1,885,376	

Recreational: Visits include public programs/environmental education conducted programs, [illegible] operating within boundaries (Red Lantern Inn).

Page 9.

When sufficient data has been compiled, the relationship between visitor use and impacts on natural resources will be thoroughly analyzed.

Proposed Annual Capacities

Unit	Annual Carrying Capacity	Annual Facility Capacity (parking plus 10%)
East Unit	1,328,000	858,000
Tremont Unit	122,000	122,000
Bailly Unit	151,000	77,000
Cowles Unit	170,000	74,000
West Unit	605,000*	1,211,000*
Pinhook Bog Unit	15,000	15,000
Heron Rookery Unit	-	-
Total Parkwide Capacities	2,391,000	2,357,000

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*Capacities for the West Unit do not reflect any facilities that may be proposed as a result of the programmed marina study. Facility capacity exceeds carrying capacity in the West Unit because of the proposed transit terminal. Visitors will be shuttled to other units of the national lakeshore from this point.

The National Park Service is also concerned about the potential for conflicts between increasing numbers of visitors and reservation-of-use holders. To reduce this potential, the general management plan proposes to develop the new visitor facilities in phases (see section on costs and phasing). Development that will directly affect reservation-of-use properties will not be built until reservations-of-use expire. This proposal is predicated on congressional authorization for the National Park Service to acquire the Beverly Shores island. Two bills which would add Beverly Shores to the lakeshore are currently being considered by the 96th Congress: S. 599 and H.R. 2742. The National Park Service endorses this action because it would allow optimum access to be developed for the largest area of federal beach in the national lakeshore and would help the Park Service to pursue a policy of allowing natural shoreline processes to proceed unhindered.

Greater numbers of visitors will be able to enjoy the national lakeshore with only a minimum of new development. The National Park Service will make use of existing buildings, development sites, and roads to provide additional facilities and improved access with relatively little impact on the natural environment. The intrusion of automobiles will be minimized by encouraging use of public

PARK DEVELOPMENT

Furthermore, all of the uncompleted actions within the current Plan could be implemented, with the exception of two (Phase 1, Action 9 and Phase 2, Action 11), with the present leasebacks remaining. (Four excerpt pages listing the Plan Phases and Actions follow)

There are some trails which could not be completed due the leasebacks present, however many of the 48 miles of proposed new trails could be currently developed, if funds were available. There is a seperate Trail Plan (1984). The implementation of the Trail Plan is more flexible and in many cases is directly related to the implementation of developmental projects in the General Management Plan.

The General Management Plan is currently under review and appropriate changes in priority of the specific Plan actions can be made allowing for the extended presence of leasebacks, as well as the additional funds available, providing the funding amendment is enacted.

UNRESOLVED ISSUES

The National Park Service endorses the concept of linking the parkwide trail system with the Gary pedestrian corridor via trails constructed on the western stretch of the Indiana Harbor Belt right-of-way. The use of this part of the Harbor Belt corridor is an unresolved issue because Section 11 of the 1976 expansion act (P.L. 94-459) prohibits the Park Service from diminishing any existing line haul railroad operations or maintenance and the western stretch of the Harbor Belt is used as a holding rail by the Conrail system.

IMPLEMENTATION SCHEDULE, PERSONNEL REQUIREMENTS, AND COSTS

The implementation of the general management plan will be accomplished in four phases as described below and will be dependent on congressional appropriations. Scheduling of management actions will ensure that the management objectives of the lakeshore are accomplished in a manner that both provides for increased visitation and minimizes conflicts between visitors and reservation-of-use holders. Actions listed below are in priority order. Cost figures are net costs in 1979 dollars.

Phase 1 Actions. Initiation of these actions will commence immediately after approval of the general management plan. Phase 1 actions will involve development of information services and provision of needed alternative means of transportation for access to and circulation within the national lakeshore.

FUNDED
COMPLETED
STARTED

1. Conduct marina feasibility study, to include

Coastal processes survey of near-shore hydrodynamics and sediment transport	$ 50,000
Utility access study	40,000
Topographical/hydrographic surveys and maps	53,000
Feasibility design, comprehensive design, functional layout, and construction cost feasibility estimates	47,000

(Marina development costs will be determined by further study and detailed planning; implementation will be determined by the availability of congressionally appropriated funds.)

	2.	Acquire land for West Unit entrance	35,000	
	3.	Construct access road to West Beach and shuttle access road from environmental education/interpretation center to Miller Woods trailhead	2,705,000	
97/98	4.	Acquire and develop lands for east end transit terminal/information center; initially provide 300 parking spaces	1,690,000	
	5.	Construct west end environmental education center; provide 50 parking spaces	890,000	Y
	6.	Construct west end transit terminal/information center; initially provide 300 parking spaces	1,550,000	
	7.	Initiate development of west and east South Shore Railroad transit stops	450,000	
	8.	Initiate shuttle service from west and east transit terminal/information centers	2,776,000	
36	9.	Implement Bailly environmental education camp program	272,000	
	10.	Complete Bailly administrative area development (includes maintenance facilities, YACC facilities, and utilities for administrative area and Bailly Unit)	1,050,000	
		Cost of Phase 1 actions	$11,608,000	

Phase 2 Actions. These actions will be accomplished on lands under the control of the National Park Service that either are accessible now or will have been made accessible by Phase 1 actions. Phase 2 actions will primarily provide needed development to support expanding programs and activities.

	1.	Develop Miller Woods kiosk, trail system and trailhead	$ 370,000	
Baily	2.	Stabilize historic resources to prevent further deterioration	188,000	
	3.	Improve roads in the Bailly Unit	920,000	
KEMW	4.	Develop State Park Road beach access	245,000	Y
	5.	Develop Central Avenue beach access	245,000	X
	6.	Improve East Unit roads	1,000,000	

W.O.	7.	Develop Inland Marsh trailhead and trails	415,000	✓
	8.	Develop Chellberg farm interpretive facilities	135,000	✗
	9.	Develop Pinhook Bog trails and interpretive station	338,000	✓
Coronado	10.	Develop Calumet canoe livery and hostel	525,000	✗
91/92	11.	Develop Mount Baldy dune access and kiosk	45,000	✗
	12.	Develop Furnessville Road trailhead and warming hut	320,000	✗
	13.	Develop Cowles interpretive station and trails	1,280,000	
	14.	Develop North Miller ~~Woods~~ kiosk	15,000	
	15.	Develop one Miller Edgewater hostel	60,000	
	16.	Develop Miller Woods lagoon warming hut	50,000	
		Cost of Phase 2 actions	$6,151,000	

Phase 3 Actions. These actions are planned to enhance the interpretive programs, provide additional hostel facilities, make additional inland areas accessible to visitors, and continue cultural resource development in the Bailly Unit.

1.	Develop Waverly Road beach and boat launch	$ 745,000	
2.	Refurbish Tremont interpretive center	156,000	✗
3.	Provide Tremont family hostels — NOT IF CORONADO IS USED	120,000	
4.	Adapt Bailly homestead for interpretive use	100,000	✗
5.	Expand and improve Bailly Unit trails	140,000	✗
6.	Provide Bailly Unit family hostel	60,000	
7.	Improve Tremont Unit roads	200,000	
8.	Develop second Edgewater hostel	60,000	
9.	Expand east and west transit terminal/information center parking (300 spaces each)	600,000	
10.	Expand parkwide shuttle system	2,776,000	
11.	Develop trail links with Little Calumet River Regional Park	10,000	

(5)
All near Town hall

12.	Relocate Florida Tropical House and adapt for hostel	167,000	
	Cost of Phase 3 actions	$5,134,000	

Phase 4 Actions. These actions will generally require the completion of major land acquisitions and the phasing out of reservations-of-use prior to implementation. These actions will complete the shuttle system, the lakeshore hostel system, the lakeshore entrance developments, and provide for the West Unit marina.

1.	Improve shuttle route and extend to serve new developments and Indiana Dunes State Park	$ 474,000	
2.	Provide new signs at Dune Acres South Shore Railroad stop	5,000	
3.	Complete parking (200 spaces) at east and west end transit terminal/information centers	400,000	
4.	Complete House of Tomorrow restoration	375,000	
5.	Develop Broadway Avenue beach access LAKEVIEW	245,000	✓
6.	Develop Lakeshore County Road beach access	245,000	
7.	Develop Mount Baldy beach access	205,000	✓
8.	Complete road improvements	2,000,000	
9.	Complete Heron Rookery improvements	15,000	✓
10.	Complete East Unit hostel system	120,000	
11.	Complete East Unit trail development	200,000	
12.	Remove up to 500 West Beach parking spaces	1,090,000	
13.	Complete implementation of parkwide shuttle system	1,852,000	
	Cost of Phase 4 actions	$7,226,000	

Additional Costs. Archeological surveys (to be phased in with appropriate developments)	$ 60,000
Total general management plan development costs in net 1979 dollars	$30,179,000

West Unit sampling of original and extension reservations.

Tract No.	Original Reservation Term	Extension Optioned	Expiration Date	Ownership is Original (0) Conveyed (-)
8-114	20 yrs.	9 yrs.	7/05	0
8-133	20	9	7/00	-
11-101	28+	n/a	3/10	?
11-113	20	0	8/98	0
11-117	20	0	6/98	0
11-118	20	0	6/98	0
11-121	20	0	4/98	0
11-122	10	9	9/97	0
11-131	10	5	4/93	0
11-139	20	0	6/98	-
11-140	20	7	6/05	0
11-143	20	0	8/01	0
11-169	20	0	1/99	-
11-174	20	0	6/98	0
11-180	20	0	2/99	0
11-183	20	0	2/99	-
11-190	10	0	6/89	0
11-195	20	9	12/07	0
11-197	20	0	1/99	0
11-198	20	9	11/07	0
11-202	20	9	12/07	-
11-215	20	9	5/07	0
11-216	20	9	5/07	0
11-217	20	9	10/07	0
11-218A	20	9	8/07	0
11-218B	20	9	8/07	?
11-221	10	0	2/92	0
11-222	20	9	5/07	0
11-223	20	9	8/07	0
11-228	20	9	2/08	0
11-232	5	7	6/90	0
11-239	20	5	10/03	0
11-249	20	0	9/98	0
11-250	20	9	7/07	0
11-251	20	0	7/01	-
11-252	20	0	11/98	0
11-253	20	9	8/07	0
11-255	20	0	5/99	0
11-259	Life			
11-260	20	3	10/01	-
18-145	20	0	2/98	-
18-161	20	0	2/98	0

SENIOR CITIZENS FEARS FOR PERSONAL SAFETY AND FINANCIAL SECURITY

The following are a few written comments submitted by leaseback residents when asked, "Will moving when your leaseback expires create any personal hardship?"

Ogden and Emily Miller (tract no. 42-147 expires 1995):

"Our age. We will be in our 80's when our leaseback expires. Moving would create a problem. Our son who lives next door and is also on leaseback and helps us maintain our present home and personal care."

Helen E. Johnson (tract no. 37-166 expires 1993):

"I will be 75 yrs. old. I have an ill 45 yr. son living with me. Moving would be quite a trauma."

Robert and Alice Bley (tract no. 41-104 expires 1995):

"When we built our home in 1958, we did not expect to be in a Nat. Park and have to move out in our old age. We took the longest lease available at that time (25 yrs.) but our next door neighbor has a lease that doesn't expire until 2006."

Gus and June Cokusis (tract no. 39-171 expires 1995):

"We will be in our middle 70's when our leaseback expires. There is a great possibility our financial status will not take care of us. We do not want to be a burden to our State or Federal Government."

Raymond F. Johnson (tract no. 32-132 expires 1994):

"Yes, because of inflation in housing costs since our sale to the park. Inflation, purposely caused by the govt. that bought our homes very cheap in 1968."

Elizabeth Benson (tract no. 39-103 expires 2010):

"The hardship that I would encounter is seeing all my neighbors move leaving me alone without security or protection. That does not give me much comfort, strength or peace. That's one reason for my support [of uniform extensions until 2010]."

Senator **Bumpers**. Thank you very much, Mr. Peterson.

Mr. Serynek, let me ask you this. You strongly favor the two corridors—the two river corridors. Do you have any idea of, number one, the cost of the corridors and, number two, why cannot the State and local governments handle that?

Mr. **Serynek**. Well, I am afraid I do not have any idea what the cost of the corridors would be. But right now—and I have a copy of the ordinance here—the Porter County ordinance permits filling in a flood plane if you are going to fill higher than the flood level and you are going to build a house on it. So it is more of a permitting process rather than something that protects it.

Right now, before the Army Corps of Engineers there is a request from the Salt Creek area to fill in a wetland area. The Indiana Department of Natural Resources, in evaluating the area, said that a permit was not necessary from the State of Indiana. And that there would not be an adverse effect on the wildlife or on the river system.

Senator **Bumpers**. If the permit were granted there would not be an adverse effect?

Mr. **Serynek**. If the permit were granted. Yet the EPA and the U.S. Fish and Wildlife suggest that the permit not be granted because they feel that there would be a major negative impact. And we also have copies of that if you are interested.

Senator **Bumpers**. So that is the kind of threat you perceive that these two corridors are going to be subjected to?

Mr. **Serynek**. And also I think that many of the people who live in the corridor now are very sincere about preserving these wetlands. But circumstances quite often change, whether it be through illness or through death or through pressure for development. Someone living there now certainly may have the intention of preserving the land, but that does not insure that in 20 years or in 50 years or in 100 years that will continue to be preserved.

Or if there are easements to sign that are not—that you do not have to sign, say, with the National Park Service, that are privately instigated rather than through the Government, there is no way to force your neighbor to sign something like this. You could certainly be interested in preserving the land. Your neighbor might be interested in developing the land.

Senator **Bumpers**. Mr. Serynek, what—how many homes are there in these two corridors? There is 2,200 acres of land involved. How many homes are there and how would you treat them?

Mr. **Serynek**. Well, when we suggested this area, and it was suggested back in the early 1970's also that this area be put in, but in the—when we suggested this again, about a year-and-a-half ago to our Congressman, we stressed that we did not feel that any houses should be included, that the line should be drawn around the houses.

The National Park Service drew the line for the study area, the area to be studied. There are fewer than 10 in the Salt Creek River Corridor. There are fewer than 10 in the Little Calumet River Corridor. And we would still advocate that any of those houses not be included.

We are not personally aware of the exact number. We have attempted to figure it out, but we cannot go onto private land to find out exactly how many houses are there. So, fewer than 20.

Senator **Bumpers**. Even though you exclude those residences, would the establishment of these two corridors diminish the value of those residences?

Mr. **Serynek**. Well, I know that in Beverly Shores, which is an island right now—an island in the park, it is not an island in water—a friend of mine said that he had gone out to Beverly Shores and looked at a house that was just built that was 2,000 square feet. And one of the big selling points of this house, which was going for over $200,000, was that it was right next to the national park and that no one would ever be able to build next to you and you, in essence, have this reserve right next to you.

I also think that—I live in an area next to the national park. I live in Gary, four blocks from West Beach in the west unit. My housing value has skyrocketed, and so have the values in my neighborhood. We were in a depressed area, and now we have had renewed building, which—there has not been new houses—I think I read that several years ago—in all of the City of Gary, there were like five or six new houses.

Well, just in the Miller section where I live, there are six houses being built right now, and many, many being renovated—one across the street from me that has been empty for at least 5 years. And I can name others in my neighborhood who are not even adjacent to the park and they are benefiting greatly from the national park being there.

Senator **Bumpers**. Ms. Showers, I take it you object to all of the expansion, but are these corridors your primary concern or not?

Ms. **Showers**. I am personally affected by the river corridors being included in this expansion.

Senator **Bumpers**. Do you live in there?

Ms. **Showers**. Yes, I do, sir. I live along Salt Creek.

Now, when they talk about the amount of homes that are involved, I am not counted in that number, because I have a 55-acre farm.

Senator **Bumpers**. You have a 55-acre farm?

Ms. **Showers**. Yes, sir. And what they did is they made a U-shaped cut-out on the House-version map and took out my home and my farm buildings, but they took the other 50 acres of my land. So I feel that even though——

Senator **Bumpers**. In other words, that would be the proposal. They would leave you your home and your out-buildings but they would take your land?

Ms. **Showers**. Exactly. In the House version, that is how it is set up. And I feel that I am just as affected as anyone whose home is involved. I bought a farm. I did not buy a house. And you go down these river corridors, and it is mostly rural areas. And the purpose that people buy there is because of the land. If they were just interested in a home by itself, they would have bought in town or in a subdivision. They would not have gone to the expense of buying property the way they have done.

Senator **Bumpers**. Well, if they are going to do anything, you would rather them take the whole thing, had you not?

Ms. **Showers**. I love where I live. It took us over 2 years to find that farm that was what we were looking for in a farm, yet was within a good school district. And it had all of the values in the land that we were looking for. And it would be nearly impossible to duplicate that in that same area.

Senator **Bumpers**. How long have you lived there?

Ms. **Showers**. We have lived on this farm for 7 years.

Senator **Bumpers**. How many other people have land that they use for farming, other than you, there?

Ms. **Showers**. Oh——

Senator **Bumpers**. Do you have any idea?

Ms. **Showers**. Yeah——

Senator **Bumpers**. There are other farmers, I take it.

Ms. **Showers**. Well, no, the majority of the property owners are—they have homes, and probably anywhere from a small-sized lot to maybe 5 or 10 acres of land with their homes.

Senator **Bumpers**. Are any of these summer homes for Chicagoans?

Ms. **Showers**. No, I do not—there might be one or two.

Senator **Bumpers**. They are all summer residents?

Ms. **Showers**. But I believe they are all permanent residents, sir. Yes.

The idea that by putting this land into a national park is going to increase the value of my property cannot really be justified because there are many reasons for the value of property going up in that area. It is not just because of the national park. And the purpose of people buying along those river corridors out in the country is because they want that privacy and seclusion of living in that area. And they are willing to pay the price for it when they buy that property.

They will lose that if it becomes part of the national park.

Senator **Bumpers**. Mr. Peterson, why should we renegotiate with anybody except the original landowners on extensions of time?

Mr. **Peterson**. Well, my understanding, sir, is——

Senator **Bumpers**. Or original homeowners I guess would be better.

Mr. **Peterson**. Yes. The reservation that was granted by the Government is conveyable reservation. And in fact, no real property is involved. It is only a right, and a right which could be conveyed. And it lost nothing in that conveyance.

Senator **Bumpers**. How many homeowners do you represent that are original homeowners?

Mr. **Peterson**. Right now there is almost an even 50/50, original versus conveyed residents.

Senator **Bumpers**. Well, I guess this is sort of the lawyerly instincts coming out in me. When these people entered into these contracts and they took money, with a fairly precise in understanding—I mean, I think, I mean there is no fraud involved. Everybody knew it was an arms-length transaction. The Government was saying you have 25 years to stay here if you want to. And we are going to reduce the value of your home by that 25-year occupancy. And they understood it.

And my question is, why should we go back and alter that agreement? I have some disagreement with some of my colleagues. They want to go back and renegotiate all those agreements that the people made to buy S&L's from the Government back in 1988 because the guys who bought them—some of them made some money out of it.

And my position on that, from a lawyerly standpoint is that was an arms-length transaction. Now, if there was some fraud, in what we call fraud in the inducement, and misrepresentations made that caused the contract that later turned out to be unfair, if there was some fraud in the inducement that caused the Government to issue the contract to somebody, that is one thing.

But if it was an arms-length transaction and somebody made more money than we now think they should have, I have real trouble with that from a contractual standpoint, even though everybody around here wants to show that they are more involved in the S&L problem than anybody else is—and incidentally, I might say sometimes that exacerbates the problem.

But anyway, these people entered into an arms-length transaction—most of them probably had an attorney advising them. And I have some reluctance about going back and redoing those contracts.

Mr. PETERSON. Well, Mr. Chairman, if I may respond to that? The precedent was set in 1980 when, in fact, in an apparent attempt at creating fairness in that all the homeowners as they were acquired in these various bills would be granted the same 29-year equal term. That appears to be the intent of the 1980 bill which granted a 9-year extension to some people.

It then created more than half of the leases at a 29-year length. The first group of homeowners were granted only 25 years. The beach properties were granted nothing originally but ultimately were given 15. The second group of homes in 1976 were only granted 20 years.

So it was the 1980 legislation that, in fact, established the 29 years. It established the precedent. It granted a 9-year extension to both the original owner and those conveyed owners that were in the park at that time.

So the primary benefit here would be the original group of homeowners, and as the second part of my testimony refers to, those people who were financially unable to exercise either their original right or the extension that was offered later.

The precedent, I understand, is consistent throughout the Park Service as generally applied. But it was broken here almost immediately.

Senator BUMPERS. Mr. Peterson, I am not going to belabor this hearing further because I am not sure I understand what we did in 1980. I will let staff educate me on that later. But there does seem to have been some inequity in that that justifies at least a portion of your argument. I will try to nail that down in my own mind later on.

But we obviously did make some changes that gave people some justification for squawking about having been mistreated.

Mr. PETERSON. Yes.

Senator BUMPERS. Not because there was any misunderstanding at the time, but because of what Congress subsequently did for others. And I understand that partially. But as I say, I want to have a more definitive understanding of it.

Mr. Adelmann, on the canal corridors, are we affecting anybody's property rights within those corridors?

Mr. ADELMANN. No, Senator.

Senator BUMPERS. We do not affect anybody's right to buy or sell any property within the corridor?

Mr. ADELMANN. No.

Senator BUMPERS. Or change the status?

Mr. ADELMANN. Land use regulations, development codes——

Senator BUMPERS. Or the architecture of anything?

Mr. ADELMANN. Nothing, whatsoever. It is purely a voluntary program, and the boundaries are principally for interpretive purposes and to create some kind of regional coalition to achieve the various goals of this legislation. But in no way does it——

Senator BUMPERS. I want you to describe for me, because I do not understand this as well as I would like to. Tell me in three sentences or less, what are we trying to accomplish with this corridor? What is the public benefit?

Mr. ADELMANN. The public benefit is that it, first of all, is calling attention to the important history that is associated with this corridor region, a history that is of national significance.

Senator BUMPERS. How is it significant? Why is that corridor significant?

Mr. ADELMANN. This was a major link between the Great Lakes and the Mississippi. Indians used it for thousands of years. And then when Marquette and Joliet discovered the Mississippi, they suggested a canal be built. That was not done, really, you know, until the 19th century. And when that canal opened in 1848, Chicago, which was a canal town, became a major center for commerce. The industrial revolution in this part of the world took place there. It really provided the final, connecting link that the Erie was first, between the Atlantic seaboard and the Gulf of Mexico.

So there is kind of a layered history, really, as a continental divide earlier, and then as an important transportation corridor, with subsequent waterways and railroads and sort of the urban and industrial development of this area. And it really tells an important story of westward expansion, of industrialization, of urbanization, ethnic and labor history. And it gives a context, really, for understanding the growth and development of Chicago as a major metropolis—an important, sort of focal point for commerce and trade.

So that is the story, the multiple stores, if you want, that we are trying to interpret—almost like pearls on a necklace, if you want. There are wonderful parks, there are natural areas that survive, important historic sites, archeological sites. The canal itself is a National Historic Landmark. There are other National Historic Landmarks, over 200 buildings and districts on the National Register. So we are trying to kind of——

Senator BUMPERS. Within the corridor?

Mr. ADELMANN. Within the corridor. So what we are trying to do is sort of overlay, if you want, the heritage corridor designation and start linking again, you know, these resources that historically were, but because of political subdivisions and so-forth, the identity is lost.

We are calling attention, in a sense, to kind of a lost heritage, rediscovering it and creating a framework for regional cooperation. So interpretation is very important.

Also, there are a number of recreational benefits. For instance, 120-mile trail network. About 80 are now in place, 35 of which have been developed since 1984 with the designation of the corridor.

We have so many units of local government in northeastern Illinois that never talk to each other. This creates sort of a voluntary forum for them to come together and start cooperating and sharing plans and working together towards some common goals.

Another major emphasis is on revitalizing the economy of that area, especially these old canal towns. Much like Lowell, Massachusetts, that has been celebrated—you know the old, abandoned industrial buildings, mill buildings, downtowns that are rich in 19th-century architecture, abandoned waterfronts that have tremendous potential. And so there has been a major focus, you know, on those resources both from public and private organizations and units of Government.

But there was never an identity for the region, there was never a framework for cooperation. And that is really what the Heritage Corridor designation has provided—a partnership.

And it really has generated tremendous reinvestment, public and private, and has created a heightened awareness among the general public of the significance of that landscape, one that we feel is important, obviously for northeastern Illinois but really for the entire Nation. It tells certain stories that are part of the American experience that are underrepresented within the National Park Service.

So it is an affiliated group, the National Park Service owns no property within it. But we feel they have a very important role to play in terms of technical assistance and bringing a lot of the experience and expertise of the National Park Service with regard to interpretation and historic preservation, as well as recreational developments because of all the multiple actors that are there.

Senator **Bumpers**. Ms. Showers, gentlemen, thank you very much for coming out to be with us today. Your testimony has been helpful to us and I do not know at this late stage if there is going to be any action on either one of these—there is more likely to be action on the corridors. But since the administration is opposed to that one and has serious reservations about the other, at this late date it is going to be very difficult.

But I appreciate your interest. If it were not for citizens like you who, pro and con, get involved in these things and come to Washington to enlighten us about your feelings and why you have those feelings—and I say the word enlighten with the utmost sincerity. Because so many times, just public citizens such as yourself do more for this committee than all the experts we bring before us, and most of them speak with a great deal more conviction and heart. So we thank you very much for coming to be with us today.

[Whereupon, at 3:45 p.m. the hearing was adjourned.]

APPENDIX

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

STATEMENT BY JAMES M. ALTER

Sub-Committee on Public Lands,
National Parks and Forests
U. S. Senate

Thursday, September 27, 1990
2 p.m.

My name is James Alter. My wife and I have a house in Beverly Shores, Indiana, in the Indiana Dunes National Lakeshore. We have lived in this area for over 34 years, and we believe that we are being unfairly treated by legislation enacted by the U.S. Congress.

We have been supporters of the National Lakeshore since its beginning. I testified personally before two Congressional Sub-Committees in the early 1960's. I also served on the Board of the Save the Dunes Council.

We believed wholeheartedly in the Dunes Park for two important reasons. First, because of the dramatic ecological qualities of the Dunes area with which we had long been familiar. And secondly, because the recreational potential of this open land and these splendid beaches was extraordinary. There is no other place in the U. S. where so much recreational land is so close to a major metropolitan area.

When the first Dunes Bill passed in 1966, we were delighted, and five years later when the Park Service began purchasing properties, we were amongst the first to sell. We were told we had only two options: to sell immediately or to await condemnation proceedings which would begin very soon. We were offered a leaseback arrangement and we took the maximum of 25 years.

Everything seemed very fair and aboveboard at the time. We really thought that all of us would be treated fairly and equally with leases expiring within a year or two of each other.

How wrong we were! Subsequent legislation and slow action by the Park Service has created a horrific situation.

Those residents of the Dunes, our neighbors, who really opposed the park, who believed that allowing "strangers" on their beaches was a terrible mistake, who thought the very idea of a national park was an encroachment on their rights, those people were able to hold out for another 14 long years.

In other words, the bitterest enemies of the National Lakeshore will continue to occupy this lovely park which they have so long resisted, while those of us who worked and fought for the Park and followed the law will be punished for abiding by the law.

I respectfully submit that this is an unfair situation that the Congress can remedy.

Mr. James M. Alter
179 East Lake Shore Drive
Chicago, Illinois 60611

STATEMENT BY JOANNE H. ALTER

Subcommittee on Public Lands,
National Parks and Forests
U.S. Senate

Thursday, September 27, 1990
2 p.m.

I speak to you about fairness in the Indiana Dunes National Lakeshore.

My name is Joanne Alter. My husand and I have owned a home in Beverly Shores, Indiana for the past 35 years. I am also an elected Commissioner of the Metropolitan Water Reclamation District of Greater Chicago, the chief environmental agency protecting Lake Michigan. My constituency is 5-1/2 million people.

I was an early advocate of the Indiana Dunes National Lakeshore and worked closely with Senator Paul Douglas and Congressman Sidney Yates to help make the park a reality.

Because the Alters felt so strongly about the new National Park, we were among the first to cooperate with the Park Service. It was our absolute understanding that ALL property inside the new park bounderies would be sold within a reasonably short time, and everyone would be treated fairly with an approximate uniform expiration date.

Most of our neighbors "held out" and did not sell. Because of conflicting legislation, they have been rewarded for their resistance. They can either keep their houses until 2010, or may take life estates. On the other hand, those of us who were outspoken in support of a Dunes National Lakeshore are being punished for supporting the park and following the law of the land. We were never offered these alternatives.

Since 1966, Congress, in its wisdom, has had four National Lakeshore bills. Each one of them has created some confusion and unfairness, including special considerations for life estates and extensions until the year 2010. Accordingly, we ask you to consider legislation which will be FAIR to those of us who came into the park under the original legislation.

I speak on behalf of myself and many others who want to be good citizens, abide by the law, and preserve our wonderous Dunes. We feel as if we have not been treated fairly and ask the Congress to remedy the situation through legislation which will offer life estates (with a cap of 2010) to those who entered the Park under the original legislation.

As an elected official, I know how difficult it is to make judgments which will be both fair and responsive to one's constituents. In this case, there is a simple solution which will enable you to act fairly and preserve the National Lakeshore for future generations.

Commissioner Joanne H. Alter
179 East Lake Shore Drive
Chicago, Illinois 60611

3620 North Meridian Street
Indianapolis, Indiana 46208
(317) 923-1800

HEC
Hoosier
Environmental
Council

September 21, 1990

The Honorable Dale Bumpers, Chairman
Subcommittee on Public Lands, National Parks and Forests
Committee on Energy and Natural Resources
364 Dirksen, U.S. Senate
United States Senate
Washington, D.C. 20510

Dear Senator Bumpers,

The Hoosier Environmental Council, an organization with 70 member organizations with more than 14,000 individual members, is an active participant in efforts to preserve Indiana's natural heritage. Indiana's remaining dunes, marshes, sand beaches, woodlands and savannas along its Lake Michigan shoreline are priceless treasures that should be protected for the enjoyment of future generations.

The Indiana Dunes National Lakeshore, our state's only national park, is the primary safeguard for these unspoiled, but threatened, components of a unique ecosystem.

The Council Board has reviewed S.2882 and H.R.3209, the House and Senate versions of the Indiana Dunes National Lakeshore Access and Enhancement Act, and voted to strongly endorse an approach combining the preservation and public access provisions of the two bills.

Little Calumet and Salt Creek corridors: HEC supports provisions of H.R. 3209 which would add the river corridors to the Lakeshore and authorize the National Park Service to purchase those lands within the corridors needed to preserve the streams, wetlands, floodplains and adjacent slopes. The study included in S.2882 is laudable for its intent but fails to guarantee permanent legally enforceable preservation of these important streams. Salt Creek and the Little Calumet River are unspoiled Lake Michigan tributaries, a very rare thing in Indiana. They are important fishing streams for Lake Michigan that constitute vital migration routes for salmonid and other fish species through an ever-tightening ring of urban development surrounding the National Lakeshore. Rep. Pete Visclosky has been the target of a barrage of unfair and untrue attacks on this issue. HEC applauds Rep. Visclosky for standing up for the future of these waterways.

Beverly Shores wetlands: Wetlands preservation is a top priority for HEC and many of its member groups. Area III-G, the Beverly Shores wetlands, is part of a larger wetlands complex which extends into the existing Lakeshore. HEC joins the Izaak Walton League in supporting the purchase of 80 acres as provided for in S.2882 and the study of the remaining private wetlands as included in H.R. 3209.

Hobart Prairie Grove: Area IX-A, Hobart Prairie Grove, is the largest remnant of an historically significant plant community once common in Northwest Indiana. HEC strongly endorses the provision of S.2882 providing for inclusion of this area in the Lakeshore and commends Senators Richard Lugar and Dan Coats for their efforts in this regard.

Areas in Common in Senate and House Bills: HEC supports all the park additions common to both bills: I-H, Woodlake Dune/Inland Manor; I-J, Pottawattomie Woods; I-K, U.S. 20 Dune; I-L, U.S. 12 strip; I-M, Ind. 49 corridor; II-A, NIPSCO greenbelt; II-L, Porter beach; II-M Campground addition; VI-B, Gaylord Butterfly Prairie; and VII-D, Calumet Prairie.

All of these areas fall into one or more of three critically important categories by including rare and endangered natural communities, providing for improved public access to the existing park, or protecting existing Lakeshore lands from encroachment from unsuitable development.

Reservations of Use Extensions (Leasebacks): HEC opposes extending existing leasebacks within the Lakeshore.

Homeowners terms: HEC opposes exemptions from condemnation for homeowners in area I-M, the 49 corridor.

Sincerely,

Jeffrey Stant

Jeffrey Stant
Executive Director

September 24, 1990

Honorable Dale L. Bumpers
Senate Subcommittee on Public Lands
364 Dirksen Senate Office Building
Washington, DC 20510

Dear Senator Bumpers:

We appeal to you, as approximately 390 citizens, who are leaseholders living on less than 1.4 percent of 14,000 acres in the Indiana Dunes National Lakeshore *to vote for the 29 year plan as proposed in the legislation of Senate bill S2882*, introduced by our Indiana Senators, Coats and Lugar. The 29 Year Plan will help remedy past inequities by enabling All leaseholders to purchase an equal term of 29 years with the same terms and conditions as offered in previous legislation but with the option of annual payments so those who were undable to purchase the full term because of depressed economic conditions in Indiana will have equal opportunity.

Our lives and those of our neighbors and their families will be profoundly impacted by your decision.

Please support the 29 year plan.

Sincerely,

John & Rosemary Canright
926-7054
Garnett Biesel - 926-3625

For the Resident's
Association Indiana Dunes
National Lakeshore
P.O. Box 574 / Chesterton, IN 48304
Telephone (219) 929-4273

September 25, 1990

Honorable Dale. Bumpers
Senate Subcommittee on Public Lands
364 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Bumpers,

Collectively we ask you, esteemed senator, to support the legislation addressing the injustices of past legislation in the Indiana Dunes National Lake Shore by the proposed bill S.2882 and the option of the 29 Year Plan.

We are deeply appreciative of your consideration and great fairness. All of us respectfully petition you to please continue to support the leaseback extension of the 29 period as a just legislative solution.

Some of us did not understand the extensions previously offered - others did not have the money - still others were elderly and not sure if we had more time to live here.

Now we ask you to continue to support this great plan and want you to know we are part of the Dunes - we are compatible with the Dunes - our economy is here in the Dunes - our community and culture is here in the Dunes.

We say collectively the 29 Year Plan is just at last.

Mrs. Willard Pauling
(219) 938-1281
Mary and James Flannery
(219) 926-4449
Mrs Madeline Levine
(219) 879-4751
Jill and Jeff Klare
(219) 926-7648
Buffy and Michael Marsho
(219) 926-3306
Mrs. Elizabeth Turner
(219) 872-4578

Honorable Dale L. Bumpers, Chairman
Senate Subcommittee on Public Lands, National Parks
& Forests
229 Dirksen Senate Office Building

Washington, D.C. 20510

Dear Senator Bumpers,

As a young family who have our leaseback home in the Indiana Dunes Lakeshore, we ask you to consider our plea for your consideration in your support of the the senate bill S. 2882, with the provision for the 29 YEAR PLAN.

Senator, my wife and I love the Park. We are raising our young son here.

We are part of the life and economy of our community.

Please grant usyour support in our ordeal by giving us the same opportunity as our neighbors, the fair legislation of the 29 Year Plan, which we so deeply appreciate, so that we may live in the Urban Park we love and care for with the term of the 29 Year Plan, even though we did not have the funds at the time we were given the opportunityfor an extension.

With our regard, Sincerely yours,
Gregory and Nancy Veselica
Gregory and Nancy Veselica
Deleware Street.
Beverly Shores, IN
219-874-7172

Alex and Elena Janusas
440 Lake Front Drive
Beverly Shores, IN 46301

Dear Senator --

As long time residents of Indiana Dunes, we respectfully ask you to support Senate Bill 2882 and specifically support the option for the 29 Year Plan. This is a solution that will address and solve the unfair legislation over so many years. My wife and I love the Park. We are now retired and implore you to give us the opportunity to live in our home for our remaining years.

I was a structural engineer and came as a young man from Lithuania--America is the land of hope and opportunity and we ask you in the name of this hope and fairness to allow us the 29 Year Plan.

Yours truly,

A. Janusas (BK)

Collette Novarro
150 E. Dunes Highway
Chesterton, IN 46304
219-926-5057

September 23, 1990

Dear Senator--

Please give us your support for the 29 Year Plan in S Bill 2882. This is at last for me an opportunity as a single parent--struggling, working and succeeding over the years to keep my family togeather. I am now employed as a para legal and maintain my home beautifully--am raising good children with care and dedication.

I love the Park--Please give us the opportunity we have struggled so valiently to achieve.

America is my great country--I love my home, my county--the Park--Please support us Senator--in this opportunity you can grant us. Thank you.

With sincerity

C. Novarro
(T.G.)

Box 115
Beverly Shores, IN.

Honorable Dale L. Bumpers, Chairman
Senate Subcommittee on Public Lands

Dear Senator Bumpers,

We respectfully ask you to support our esteemed Senators Richard Lugar and Dan Coats to help redress and relieve grevious legislative injustice by continuing to support their 29 Year Plan in their proposed Senate Bill S. 2882.

This Bill Senator Bumpers, offers all current Reservation of Use owners such as myself, the opportunity to live in their homes equal and side by side with their neighbors.

The 29 Year Plan is a must to bring about equity to our region and I thank you for your consideration and legislative wisdom.

By supporting this bill you are doing a service not only to we who occupy about 1% of the acreage of this Urban Park, but also to the economy of the businesses and to the tax revenue basis. In this time of economic resession in our country it is a contribution to the citizens as well as an an acknowledgement of the acute problems of our area even more pronounced than the rest of the country.

Please support Senators Lugar and Coates and the 29 Year Plan for fairness and economic viability.

Very truly yours,
H. OLIN (T.S.)
Harold Olin

September 23, 1990

Dear Senator ,

As a nurse in St. Mary's Hospital, Hobart, Indiana, I ask you to allow me to stay in my community by supporting the 29 Year Plan in Senate Bill 2882.

This is a fair way to remedy the differences in opportunity we Lease Back Holders have had to extend our leases over many years.

Please Senator, consider those of us who live, work in the community, and love the Park. You are giving us an honest chance to continue to be good care takers by this fair treatment.

This is all we respectfully ask of you--Let me stay in the little house I love and continue to serve as a nurse. Don't drive me away from this place where I am so committed.

Respectfully,

Charlotte Vellines

Charlotte Vellines [illegible]
271 E. 1500 North
Chesterton, IN 46304
219-926-3195

NORTHWEST INDIANA
STEELHEADERS
P.O. BOX 701 · Chesterton, Indiana 46304-0701

Energy and Natural Resources Committee
364 Dirkson Building
Washington D.C. 20510
September 17, 1990

Dear Senator,

The Sportfisherman are not happy with S.2882. The Little Calumet and Salt Creek Corridors are the nursery streams for a $30 million fishery for Northwest Indiana. It provides a world class Trout Fishery (I.G.A.F. Record Book). These fish also provide a fishery for Illinois, Wisconsin, and Michigan.

We feel the National Park Service, utilizing conservation easements with property owners having their rights, and property owners wanting to sell their property to the National Park for access should be considered.

As the senators said, "We are only 45 miles or 45 minutes away from Chicago." Because of lower taxes people from Illinois have found an escape in Northwest Indiana.

There is a building boom going on in Lake and Porter Counties. They are building on Wetlands in both Lake and Porter County. The Senators call for a three year study without any protection for these streams and creeks. This could lead to the destruction of these streams and creeks before the study is completed.

The local government put a task force together (Northwest Indiana Regional Planning Commission). They have appointed William Carmichael (Porter County Commissioner), William Bengel (Porter County Drainage Board), David Butterfield (Valparaiso Mayor) and Sammie Malleta (Portage Mayor) as members of this Task Force.

Carmichael is opposed to any Park whether it is National, State or County. He will not allocate funds for the County Park Board in Porter County for their one Park (a farm donated to the County).

Mr. Bengel runs a drainage board that thinks they are above the law. They will not apply for permits and do not comply with the drainage and wetland laws.

The Indiana Department of Natural Resources won the law suit over the dredging of Salt Creek, but the County and Drainage Boards are going to the Supreme Court of Indiana to overturn the decision of the Indiana Appellate Court. They are blaming the fishermen for the spending of tax dollars on these court expenses.

If these are the elected officials that were appointed to protect our streams and creeks then the fishermen and the entire fishery is in deep trouble!

NORTHWEST INDIANA STEELHEADERS
P.O. BOX 701 • Chesterton, Indiana 46304-0701

The property owners have formed another group (Little Calumet and Salt Creek Protective Association). We are not sure of their objectives. Whether it is to protect the streams and creeks from destruction or from the fishermen in order to further the own goals.

We are pleased that the senators did not forget about Public Access. Unfortunately, we live in a county that does not believe in parks and finding public access will be impossible. To give a little piece of land would mean money being lost to development in this County.

Some of the Salt Creek and Little Calumet property owners have a deep respect for these rivers and ecosystem, but would have a hard time keeping the Porter County Drainage Board from implementing their Flood Control Projects.

We feel that the county would not be able to protect their streams in a study to find local protection, but the state might be able.

The Northwest Indiana Steelheaders are not standing alone in the support of the Dunes Expansion Bill. The following Sport Fishing Organizations are in support of the protection of these streams:

Northern Indiana Sport Fishing Advisory Council 2,500 members.
Lake Michigan Sport Fishing Coalition, Inc. - 28,000 members.
Great Lakes Sportfishing Council - 250,000 members
United Sport Fishing / Freshwater - 26.8 million members
Sport Fishing Institute

Sincerely,

Michael J. Ryan
President, Northwest Indiana Steelheaders
Indiana Director, Lake Michigan Sport
Fishing Coalition, Inc.
Indiana Director, Great Lakes Sport-
Fishing Council
Indiana Representative, United Sport
Fishing/Freshwater

Sport Fishing Institute
1010 Massachusetts Avenue, N.W. (Suite 100), Washington, D.C. 20001 (202) 898-0770

ECONOMIC FACTS RELATED TO THE SALT CREEK SALMON AND STEELHEAD FISHERY

Preparer: Sport Fishing Institute: A National non-profit organization dedicated to the promotion of the conservation, development, and wise use of our national fishery resources. Anthony J. Fedler: SFI, Director of Economics, Ph.D in natural resources development with extensive experience in the analysis of the economic and social benefits of sport fishing.

Salt Creek Salmon and Steelhead Sport Fishing

o Salt Creek accounts for 36% of all stream salmon and steelhead angling in Indiana.
o 60% of all steelhead caught in Indiana streams are caught in Salt Creek.
o Salmon and steelhead fishing in Salt Creek generates $564,000 annually to the local economy.
o Salmon and steelhead fishing in the Little Calumet River adds $302,000 to the local economy.
o There is strong evidence that steelhead reproduce naturally in Salt Creek.
o 2,000 anglers fished Salt Creek for salmon and steelhead during 1988 and made 25,000 trips to catch salmon and steelhead.
o Salt Creek contributes significantly to the shore and boat fisheries for salmon and steelhead in Indiana waters of Lake Michigan.
o 55,000 anglers spent $30.1 million fishing for salmon and steelhead in Indiana waters of Lake Michigan during 1988.

Conclusions

Salt Creek is a unique and important fishery resource in Indiana. The salmon and steelhead fishery on Salt Creek stimulates significant economic activity in the local area. Salt Creek plays an important and unique role in Indiana's salmon and steelhead fishery. There is evidence that steelhead are reproducing naturally. This natural production coupled with annual stocking of salmon and steelhead supports an important portion of the harvest in Lake Michigan waters.

Protection of Salt Creek from dredging and other activities negatively influencing water and habitat quality will only result in better streams fishing. Protection will also enhance the economic and angler benefits resulting from water quality and habitat improvements.

The National Non-Profit Fish Conservation Organization

Sierra Club HOOSIER CHAPTER

Sierra Club Testimony on S.2882
A Bill to Expand and Enhance The Indiana Dunes National Lakeshore

Presented to the Senate Subcommittee on Public Lands, National Parks, and Forests.

by David W. Canright
Hoosier Chapter Sierra Club

September 27, 1989 — Washington, D.C.

Mr. Chairman, the Sierra Club is pleased to have the opportunity to submit testimony in support of legislation to expand the Indiana Dunes National Lakeshore. Our 580,000 members, including 5,600 in Indiana, have as a high priority the protection and expansion of the National Park System to meet the dual challenge of preservation and public access for our remaining natural treasures. The Lakeshore, the first national park in an urban setting, provides recreational opportunities for 1.7 million Americans each year and preserves portions of a unique ecosystem for future generations.

The Sierra Club has supported enactment and expansion of the Lakeshore throughout the legislative history of the park. We have called for preservation of the largest possible remnants of the complex dune and wetland habitats that once stretched unbroken along the entire Indiana shore of Lake Michigan.

Indiana Dunes: A Threatened National Treasure

As a lifelong resident of Chesterton, Indiana, I have been privileged to grow up near the dunes and the lake. From childhood experiences with the Boy Scouts of America to my present day activities as Managing Editor of the *Chesterton Tribune* and volunteer spokesperson for the Sierra Club, I have come to realize the special beauty and significance of the Indiana Dunes. I have also come to realize the fragility of the dunes in the face of an expanding urban population.

The dunes ecosystem is a narrow belt along Lake Michigan hosting more than 1,130 species of native plants. At most places it is less than two miles wide. The dunes have long been a special place for scientists, artists and the city dwellers of Indiana and Illinois.

More than half of the original dunes and wetlands have already been destroyed to build the cities and industries of the region. Development adjacent to the existing park threatens to further degrade the natural values of the resource.

Dunes Species Diversity Threatened

It is with mixed emotions that I report to you that the Indiana Dunes National Lakeshore is a victim of its own success. Attracted by the widely publicized beauty of the beaches and trails, thousands of potential homebuyers from the nearby Chicago metropolitan area have discovered the dunes. The existing Lakeshore is threatened on every side by encroaching development.

Scientists tell us that as natural habitats are made smaller, the diversity of plant and animal species declines. Scientists from the Morton Arboretum in studies for the National Park Service confirmed in 1984 and 1988 that plant diversity in the dunes is declining as a result of human activity within the larger ecosystem. The same conclusion was reached in an NPS environmental assessment for the park in 1987.

The Club believes that the Indiana Dunes ecosystem is more than the federal, state and local parks. We believe that the ecosystem approach should be applied to protect the existing park from events taking place outside its boundaries that will cause irreversible degredation of the Lakeshore. It is with this approach in mind that we join with other groups in working to protect the park from external threats.

Support For Preserving Dunes and Wetlands

Early in the discussions of the pending legislation we called for priority preservation of vacant unspoiled land to achieve the dual goals of providing a buffer for the existing park and enlarging the protected portion of the ecosystem. We favored additions drawn so as to add as much vacant dunes land and as few structures as possible to the park.

Our overall goal is to increase the likelihood that future generations of Americans will be able to appreciate the incredible biological diversity that exists in the dunes.

We commend Senators Richard Lugar and Dan Coats and Representatives Peter Visclosky and Jim Jontz for their efforts at preserving important components of the dunes and wetlands. We support all the parcels included in S.2882 and H.R. 3209 for purposes of preservation.

Support For Sections Of S.2882 and H.R. 3209

Specifically in S.2882 we support:

—Woodlake Dune/Inland Manor/I-H
—Campground addition /II-M,
—NIPSCO greenbelt/II-A.
—Hobart Prairie Grove/IX-A
—Beverly Shores Wetlands/III-G
—Pottawattomie Woods/I-J
—U.S. 20 Dune/I-K
—the Ind. 49 Greenway /I-M,
—Calumet Prairie /VII-D,
—Gaylord Butterfly Prairie /VI-B,
—"University of Chicago" parcel/I-L,
—Porter Beach access /II-L,

In addition we support two other areas in H.R.3209:

—The Little Calumet River completion /VIII-A
—Salt Creek corridor /VIII-B.

We are asking that S.2882 be amended to include these important river corridors as provided for in H.R.3209. The study language in S.2882 is commendable in intent and in scope, but in light of the 20 year history of this proposal, it is the Club's position that now is the time to protect these streams by including them in the Lakeshore.

Support For River Corridors

The Little Calumet River and Salt Creek are the most significant unspoiled Lake Michigan tributaries in Indiana.

Many birds, reptiles, amphibians, mammals and insects can be observed in the river corridors including dozens of species rare in the state. A 1990 NPS study, "Little Calumet River Corridor Plan Environmental Assessment," lists rare and endangered species associated with the Little Calumet River. (See appendix A. The NPS list was developed for the larger corridor drainage area. Not every species may be found within the boundaries specified in H.R.3209.)

The study confirms the importance of the streams to the Lakeshore as a whole, both from an ecological and recreational standpoint.

The study notes that there is currently little or no organized public access to the streams, and yet, the streams are a frequent goal of fishing enthusiasts and bird watchers.

The study suggests seven potential mechanisms for protection of the streams, none of which are currently in place, and none of which are being considered by local officials.

Indiana's wetlands are vanishing. Only 14% remain in their natural state. Only recently has their importance for ground water quality, wildlife habitat and flood control been fully realized.

Local Rules Not Uniform

Persons who want to build near Salt Creek and the Little Calumet River have to follow different rules depending their location. In the municipalities of Chesterton and Portage there is little to stop building on land adjacent to the streams.

In Chesterton: Property adjacent to the Little Calumet River is zoned residential. Other than the standard 75-foot building setback, there are no restrictions on building next to the river.

In Portage: Land along Salt Creek in Portage is zoned single-family residential, multi-family, industrial, and business. As long as the developers meet the 75-foot setback and the city's zoning requirements, they can build near the creek.

No local jurisdictions along the streams have enacted wetlands protection ordinances.

The wetlands can be flattened and drained without a permit. Artificial ponds can be built, as has been proposed by two active park opponents. Chemical herbicides can be used.

Under existing law the County Drainage Board can dredge the creek and make the property owners pay for it whether they like it or not. Upstream along the creek the county has dumped dredgings into wetlands without obtaining state or federal permits.

Dumping and Filling in Corridors

At numerous sites along the streams ripped-up pavement, dirt mounds, and an assortment of junk have been dumped. These dumping incidents include both filling for development and illegal waste disposal.

Most of the sites are in the Portage, Burns Harbor and Porter. Some are on private property, some on publicly owned lands.

Along the Little Calumet River, fill has been dumped behind the Chesterton Wastewater Treatment plant and near Porter's Hawthorne Park. Along Salt Creek, the sites are at the Oak Tree Trailer Court, at the end of Brentwood Avenue in Portage, near Nottingham Avenue, at the southeast corner of U.S. 6 and Ind. 149, on 875 North east of 149, and about halfway between 1050 and 1000 North on the west side of 149.

Existing Laws Inadequate

Dumping directly in a stream's water or in its "floodway" is prohibited by the Indiana Department of Natural Resources, but the floodway is only the stream and a small strip of land on either side. The boundaries of a floodway vary, depending on the site. State officials admit that it is not easy to define a violation.

The river valley is made up of wetlands in some areas and dry, bottom land in other areas, most of which is under water during a severe flood.

Conservationists are concerned not just for wetlands. We are concerned about the whole river valley. It is impossible to preserve a wetland if the vegetation on an adjacent slope is cut down allowing erosion. There is no law, local or otherwise, designed to protect the valleys.

The county floodplain ordinance restricts building in a floodplain, but does allow certain developments like golf courses, parking lots, and houses in floodplain areas either "by right," by special exception, or by a variance.

While touring the Salt Creek corridor I personally noticed extensive filling of wetlands and flood plain for a parking lot and maintenance building at the Oak Tree Trailer Court in Portage. A resident assured me that it was all right, because "soil will help soak up the flood waters." This type of ignorance combined with the secluded nature of much of the corridors is the reason so much destructive dumping and filling has gone on for so long.

Floodplains Store Flood Water

Recent "100 year" floods dramatically illustrated the need to keep the larger floodplain clear of development and protected from filling. The wide flood plains in the river corridors stored a massive volume of runoff rain water preventing damage to homes on adjacent high ground.

Park opponents have argued that if the Little Calumet River and Salt Creek are added to the park, the Porter County Drainage Board would not be able to provide drainage. The law specifically states that the National Lakeshore cannot prevent otherwise legal county drainage projects.

County drainage officials militantly seek unrestricted power to dredge streams and wetlands while existing local laws allow filling in floodplains. County Commissioner William Carmichael has said local state legislators should be asked to "put more teeth" into state law to give drainage boards more local control over wetlands.

The county strategy is to destroy the natural drainage system and replace it with a system of expensive ditches with the consequent destruction of natural habitat and biodiversity.

Local Protection Plan Fails

In reaction to S.2882 and H.R. 3209, the Porter County Commissioners have accepted a so-called easement agreement for Salt Creek and the Little Calumet River. The goal is to adopt a cosmetic protection scheme as an alternative to real protection measures by the National Park Service.

The "easements" will only allow county officials to inspect private property when they receive a complaint of an environmental violation along the two streams. They do not fill the gaps in existing federal and state laws, nor do they prevent property owners from seeking permits to fill and develop the wetlands and floodplains. The county will not make routine inspections of the streams.

The plan contains no guarantee that all property owners will participate.

The county plan would also prohibit public access for recreation until county parks are developed. There is currently no funding for county river parks.

Streams are Resource

The Northwest Indiana Steelheaders fishing club rates the Little Calumet River and Salt Creek as one of the best trout fisheries in the world. The state of Indiana agrees. The Little Calumet River is designated a salmonid stream and managed as a fishery. The NPS 1990 study also notes the key role the streams play for the Lake Michigan sports fishing industry. In a 1988 state survey 53% of the fish from Indiana lake tributaries were caught in the two streams.

Lake Michigan sports fish reaching lengths of over 2 feet are common in both streams. Important game fish include steelhead trout, coho salmon, chinook salmon and brown trout. The brown trout are a self-sustaining naturally reproducing population.

The streams host a wide variety of birds, reptiles, amphibians and mammals including: ducks, great blue heron, snakes, frogs, turtles, deer, beaver, raccoon, opossum, woodchuck, muskrat, weasel, mink, voles and bats.

As development spreads across Northwest Indiana, the National Lakeshore and associated state and local preserves will be the final refuge for all the natural features that make this area different from anywhere else.

Carefully planned public access to the two streams should be an important part of any regional recreation plan. The Porter County master plan lists the river corridors as future park land, though no effort has been made to implement this goal.

The Sierra Club favors the House language for the river corridors as a decisive way to protect the streams and allow carefully planned public access. We are confident that, based on the past record of the Park Service and the history of the Lakeshore, most property owners will eventually appreciate and welcome the park as a good neighbor and community asset.

Support for Parcels in S.2882

Woodlake Dune/Inland Manor

Woodlake Dune/I-H is one of ten areas identified in a 1990 NPS study as needed to protect and enhance the existing Lakeshore. Looking like a missing tooth on park maps, the pristine dunes and wetlands are a missing piece in the protection puzzle. The 200 acre parcel is an extension of natural areas already protected to the east and west. A 1990 NPS study describes it as "one of the high quality savannas and mostly untouched oak dune savana and wetlands."

Ind. 49 Greenway Corridor

In several areas imminent threat of development makes park expansion necessary on an emergency basis to protect the existing federal investment and to meet the broader goals stated above. The Ind. 49 Greenway/I-M is already the subject of Town of Porter zoning hearings for a proposed hotel and medical complex, which would destroy a wooded parcel and add to traffic hazards along the most-used entranceway for summer dunes visitors.

The parcel also includes a pristine dune half in and half out of the existing Lakeshore.

The NIPSCO Greenbelt

As Managing Editor of the *Chesterton Tribune*, I have written in support of including the NIPSCO Greenbelt in the Lakeshore since 1978. I believe that Congress can provide long term protection for the existing Lakeshore and protect additional near-pristine dunes and wetlands by including this parcel.

The boundaryline between the Lakeshore and utility property cuts through dunes, wetlands and ponds. Only by extending the park boundary can the entire remaining southwest portion of the Cowles Bog system be brought under Park Service protection. The company's stated reason for keeping the Greenbelt out of the park in 1978 was that it was needed as part of a nuclear power plant site. The nuclear project was cancelled in 1981. The company now has no need of the Greenbelt. There is no good reason not to put it in the park.

As a natural area, the Greenbelt rivals the existing Lakeshore for its quality of preservation. This is particularly true of the western portions of the parcel.

Beverly Shores Issues

The Beverly Shores wetlands in S.2882 are part of the same natural system as the surrounding East Unit of the Lakeshore. The same species of plants and animals live in the privately held "island" that are protected in adjacent Lakeshore lands. The private wetlands are part of the same hydrological system as the Great Marsh within the park. Contamination on the private side of the wetlands has the potential to spread quickly to the federally protected areas. There is widespread popular support for completing the protection of the wetlands.

The Sierra Club also supports language in H.R. 3209 calling for a study of unprotected Beverly Shores wetlands, and the Club supports establishment of a public parking lot on the

"Greco" property to enhance public access to the beach.

It is our belief that the various proposals for Congressional action at Beverly Shores all have merit and should be evaluated independently.

Rep. Visclosky deserves praise for his tireless efforts to increase public access to Lake Michigan without sacrificing the environment.

Hobart Prairie Grove/Deep River

The Sierra Club strongly supports the proposed Deep River Corridor study and the inclusion of the Hobart Prairie Grove as contained in S.2882. The grove has been rated by plant ecologists as the equal of lands already within the Lakeshore in terms of the quality and diversity of natural species. Plant ecologist Sandy O'Brien has identified over 250 species of plants in the parcel.

The wetlands of Lake George, Deep River and Turkey Creek ranked first out of 45 wetlands in the Lake Michigan watershed in a study by the Indiana Department of Natural Resources. The DNR 1979 Technical Report No. 303 gave these wetlands #1 priority for acquisition because of their large size and biological diversity.

Crescent Dune

Also threatened is Crescent Dune on the Lake Michigan shore at Michigan City. The parcel is being studied for residential development by the owner, NIPSCO, despite the fact that Congress has already included the dune in the Lakeshore.

S.2882 would remove language in federal law which the previous administration interpreted as a restriction on federal purchase of this important shoreline dune.

The company long argued that the dune was needed to provide security for the Michigan City Generating Station, but now, the company is considering residential construction on the precious dune. We urge Congress to expedite the purchase of Crescent Dune before it is too late to save it. The Club praises Senators Coats and Lugar for including this important provision in S.2882.

Porter Beach

The Club strongly supports the inclusion of parcel II-L at Porter Beach. The beach is currently subject to overlapping federal, town and private controls which confuse visitors, foster conflict and create traffic jams. Further, the area is subject to severe erosion when Lake levels are high.

S.2882 would allow for resolution of these problems and provide for handicapped access to the beach. NPS redesign of the parking areas would improve traffic, open more beach to the general public and relocate an existing road to prevent future shoreline erosion.

Campground Expansion

The Campground addition, II-M offers several benefits to the future of the park. The campground as currently planned is surrounded by highways, commercial and residential zoning. S.2882 would protect the camping experience for visitors by preventing intrusive development on the very boundary of the tenting area.

S.2882 also clears the way for a possible shuttle bus parking area and is in harmony with the proposal to convert U.S. 12 to a federal scenic highway.

The campground has been a special priority of the Dunelands Group of the Sierra Club. Club members have participated in the planning process for both the campground and the U.S. 12 scenic highway study. The federal investment in the campground will be protected by inclusion of area II-M.

Opposition To Leaseback Extensions

The issue of the rights of holders of reservations of use, commonly known as leasebacks, haunts all Indiana Dunes legislation. The Sierra Club calls on Congress to defend the rights of all Americans by rejecting any extension of leasebacks.

The investment in the Lakeshore for preservation and recreation by all taxpayers will be thwarted so long as large numbers of leasebacks remain throughout the Lakeshore. Leasebacks should terminate according to the contracts agreed to under the terms of previous legislation.

Leaseback extensions in S.2882 have been described has adding four years to the 25 year leasebacks to make a total of 29. The legislation would also allow 114 shorter existing ROUs to extend 5 or more years to reach the 29 total.

In all, 287 out of 390 ROUs would be extended for a total of 1638 leaseback years. This is not a minor adjustment. It is a major revision of what leasebacks mean and will have a major impact on the future of park development.

Extension of the leasebacks threatens to become de facto deauthorization of core units of the park. Each time a new Lakeshore expansion bill is introduced, the leaseback holders mount a new campaign for special treatment. Based on the record, there is no reason to believe that they will stop demanding new concessions even if they make significant gains this year.

We believe that development of the park should be completed during the lives of the American taxpayers who paid for it. The proposed extensions would lock the public out of important federally owned lands. Park areas threatened include Porter Beach, the Beverly Shores and West Beach high dunes and the Furnessville and Tremont wooded dunes.

All proposals for leaseback extension involve the Park Service helping to provide municipal services to hundreds of essentially permanent park residents. Policing and protecting leaseback holders is not the mission of the Park Service, nor should it be.

Leaseback extension would slow the already frustrating effort to complete the park trail system, would continue to block expanded public access to the beach and would mar the proposed Dunes Scenic Highway. Leasebacks tie up much more than the land they occupy. So long as leasebacks remain so must the roads and utility easements that serve them. As leasebacks expire, the Park Service will be able to utilize unneeded roads and utility corridors for trails, park roads and bike paths.

As conservationists we are concerned that leasebacks thwart park service efforts to protect the environment. The federal government is spending public funds to fight shoreline erosion and combat the spread of exotic species not found naturally within the park. Existing leasebacks are making both problems worse. Shoreline structures in Beverly Shores block the natural movement of sand along the beach and exacerbate erosion. Leasebacks also limit park service use of land management techniques such as controlled burns.

When leasebacks were extended in 1980 the average cost was only $684 per year. We view this effort generally as an attempt by leaseback holders to get low cost housing at the expense of the taxpayers and park users.

Economic Argument for Lakeshore Expansion

Preserving the dunes will not impede economic development. Large tracts of vacant land near — but not in — the unique dunes are available for development. The growing tourism industry in our three counties is evidence of the economic benefits of Lakeshore expansion.

The Indiana Dunes National Lakeshore funnels money to the local economy through tourism, payments to local government, and the return of federal dollars to the area according to a study by the Northwestern Indiana Regional Planning Commission (NIRPC).

The study was requested by Porter County Commissioner President William Carmichael, an opponent of the Lakeshore.

The report's summary states that visitation to the National Lakeshore grew from 100,458 in 1975 to more than 1.7 million last year: "The attraction of visitors from outside the region brings new money into the area's economy."

The report notes that annual Lakeshore budgets are "dollars spent in the local area economy and consist largely in salaries and personal benefits."

The report also says that the federal government has spent $4.8 million in the town of Beverly Shores for projects such as road work, sand replacement, beach nourishment, and revetment repairs between 1980 and 1988.

The report includes a 1972 study that was done to evaluate that year's National Lakeshore expansion bill, which had proposed acquisition of the Little Calumet River and Salt Creek.

The study found that the bill should be supported because of the economic benefits and because the expansion would not have a serious negative effect on the local tax base. The proposed additions in Porter County, then and now, represent less than 1 percent of the county's total assessed valuation.

If past experience is any guide, expansion of the Lakeshore will raise nearby residential property values and improve governmental services. The Lakeshore is a good neighbor, providing extra police protection, fire protection and environmental monitoring at no cost to local taxpayers.

Opposition Discredits Itself

The opponents of H.R.3209 launched a largely partisan campaign late in the legislative process (at the time of the primary election) based on misinformation. The half-truths and falsehoods were ably answered by the Park Service, Rep. Visclosky and local conservationists.

With the introduction of S.2882 the rhetoric softened. Park expansion became a bipartisan effort for the good of the future of Northwest Indiana.

Opposition to the bill is largely limited to Porter County. Widespread support for protecting and expanding the Lakeshore exists throughout the region and the state. The Sierra Club has continually gained members in the county and the state throughout the current dunes debate growing 45% in Porter County during the period 1988-1990.

Park opponents have now endorsed S.2882 "with conditions," while contradicting themselves by urging opposition to all park expansion in Porter County in newspaper advertisements.

Two "endorsements" of park expansion are historic. For the first time the Porter County Commissioners and the Duneland Chamber of Commerce are on record in favor of expansion of the Lakeshore. Their support is limited, but I commend them for recognizing the importance of the National Lakeshore to Northwest Indiana.

Arguments against park expansion center on keeping outsiders from coming into Porter County while leaving open the path to destructive development. As a lifelong resident of the area, it is my belief that the opponents of S.2882 and H.R.3209 have been less than honest in their statements to Congress and the public. Their anti-outsider, anti-park stand totally misrepresents the fine record of the NPS in managing the existing Lakeshore for preservation and visitor enjoyment. Park opponents are asking the Senate to base environmental policy on fear, a fear I believe to be racist.

The county's official attitude toward the NPS and Congress is represented by Commissioner Carmichael. In November at the House hearing on the bill he grossly misrepresented the bill's impact on drainage for the city of Valparaiso and threatened the subcommittee with defeat at the polls. In April he told residents along the river corridors to rezone their land to commercial, presumably to raise the price the federal government would have to pay for it. Throughout, he has misrepresented the burden of park visitors on local government while minimizing the importance of the park to the local economy.

Looking to the Future

S.2882 and H.R.3209 are important steps forward, but other natural areas in the threatened dunes ecosystem remain unprotected. NPS planners have identified at least five other areas in Lake and Porter County as in need of protection (See the proposed 1990 General Management Plan Amendment for the West unit.) Naturalists have identified other parcels in Dune Acres, Porter, Beverly Shores, Gary, Portage and Pine Township worthy of protection.

The Sierra Club asks Congress not to close the door on future dunes legislation. The history of the Indiana Dunes National Lakeshore mirrors the complexity of the Northwest Indiana Region and, no doubt, will continue to do so.

APPENDIX A: LITTLE CALUMET RIVER THREATENED AND ENDANGERED SPECIES

		Status	
Scientific Name	**Common Name**	Fed.	State
Plants			
Aralia hispida	Bristly sarsaparilla		SE
Aralia racemosa	Spikenard		SR
Arctostaphylos uva-ursi	Bearberry		SR
Arenaria stricta	Stiff sandwort		ST
Aristida intermedia	Slim-spike three-awn		ST
Aristida tuberculosa	Seabeach needlegrass		ST
Aristolochia serpentaria	Virginia snakeroot		SR
Aster furcatus	Forking (forked) aster	C2	SE
Aster junciformis	Rush aster		SR
Aster ptarmicoides	Prairie goldenrod		ST
Aster sericeus	Eastern silvery aster		SR
Baptisia leucophaea	Cream wild-indigo		SR
Betula papyrifera	Paper birch		SR
Botrychium dissectum	Cut-leafed grape fern		SR
Botrychium multifidum intermedium	Leathery grape fern		SE
Cakile edentula var. *lacustris*	American searocket		ST
Carex alata	Broadwing (winged) sedge		SR
Carex atherodes	Awned sedge		SE
Carex conoidea	Field sedge		SE
Carex debilis var. *rudgei*	White-edge sedge		ST
Carex flava	Sweet fern		SR
Carex folliculata	Long sedge		SE
Carex garberi	Elk sedge		ST
Carex leptonervia	Finely-nerved sedge		SE
Carex pedunculata	Longstalk sedge		ST
Carex seorsa	Weak stellate sedge		ST
Chrysosplenium americanum	American golden-saxifrage		SE
Circaea alpina	Small enchanter's nigthshade		ST
Cirsium pitcheri	Dune (sand) thistle	T	ST
Clintonia borealis	Clinton lily		SE
Coptis trifolia var. *groenlandica*	Goldthread		WL
Cornus amomum	Silky dogwood		SE
Cornus rugosa	Roundleaf dogwood		ST
Cypripedium candidum	Small white lady's-slipper		SR
Diervilla lonicera	Bush honeysuckle		SR
Drosera intermedia	Spoon-leaned sundew		SR
Drosera rotundiforia	Roundleaf sundew		WL
Eleocharis melanocarpa	Black-fuited spike-rush		SE
Eleocharis microcarpa	Small-fruited spike-rush		SE
Eleocharis pauiflora	Few flower spike-rush		SR
Eleocharis robbinsii	Robbins spikerush		ST
Epigaea repens	Trailing arbutus		SR
Eriophorum angustifolium	Narrow-leaved cotton-grass		ST

Scientific Name	Common Name	Status	
		Fed.	State
Euphorbia polygonifolia	Seaside spurge		ST
Fimbristylis caroliniana	Carolina fimbry		SE
Galium lanceolatum	Lance-leafed wild licorice		SR
Habenaria flava herbiola	Tubercled orchid	C2	SR
Habenaria hookeri	Hookers orchid		SE
Habenaria psycodes	Purple fringed orchid		SR
Habenaria viridis bracteata	Bracted orchid		SR
Hudsonia tomentosa	Sand-heather		ST
Hypericum adpressum	Creeping St. John's-wort		SE
Hypericum kalmianum	Kalm hypericum		SR
Juglans cinerea	Butternut		WL
Juncus pelocarpus	Brown-fruited rush		ST
Juncus scrpoides	Scirpus-like rush		SE
Juniperus communis	Ground juniper		SR
Lathyrus ochroleucus	Pale vetchling peavine		ST
Lathyrus venosus	Smooth veiny pea		SR
Linum striatum	Ridged yellow flax		SR
Ludwigia sphaerocarpa	Globe-fruited false-loosestrife		SE
Lugwigia sphaerocarpa deamii	Round-fruited loosestrife		ST
Lycopodium appressum	Club moss		SE
Lycopodium clavatum	Running pine		SR
Lycopodium inundatum	Northern bog clubmoss		SE
Lycopodium obscurum	Ground pine		SE
Lycopodium tristachyum	Deep-root clubmoss		SE
Menyanthes trifoliata	Buckbean		WL
Milium effusum	Wood (tall) millet-grass		ST
Myosotis laxa	Small forget-me-not		SE
Nemopanthus mucronatus	Mountain holly		SR
Oryzopis racemosa	Black-fruit mountain-ricegrass		SE
Oryzopsis asperifolia	White-grained mountain-ricegrass		SE
Pana trifolius	Dwarf ginseng		SR
Panicum boreale	Northern panic grass		SR
Panicum verrucosum	Warty panic grass		SE
Pinus banksiana	Jack pine		SR
Pinus strobus	Eastern white pine		WL
Plantago cordata	Heart-leaved plantain	C2	SE
(Plantanthera)	(Pale green orchis)		
Platanthera ciliaris	Yellow-fringe orchis		SE
Platanthera clavellata	Small green woodland orchis		SR
Platanthera flava var. *herbiola*	Northern rein-orchid		SR
Platanthera lacera	Green-fringe orchis		WL
Platanthera psycodes	Small purple-fringe orchis		SR
Poa alsodes	Grove blue (meadow) grass		ST
Pogonia ophioglossoides	Rose pogonia		SR
Polygala paucifolia	Gay-wing milkwort		SE
Polygonella articulata	Eastern jointweed		ST
Polygonum careyi	Carey smartweed		SE
Polygonum opelousanum var. adenocalynx	Smartweed		ST
Potamogeton pusillus	Small pondweed		SR
Prunus pensylvanica	Fire (pin) cherry		SR
Psilocarya scirpoides	Long-beaked baldrush		ST
Pyrola elliptica	Elliptical-leaf wintergreen		SR

Scientific Name	Common Name	Status	
		Fed.	State
Pyrola rotundifolia var. *americana*	American wintergreen		SR
Rhynchospora macrostachya	Tall beaked-rush		SR
Salix cordata	Heartleaf willow		ST
Scirpus hallii	Hall's bulrush		SE
Scirpus subterminalis	Water bullrush		ST
Scirpus torreyi	Torrey bullrush		SE
Scleria pauciflora	Fewflower nutrush		SE
Scleria reticularis	Netted nutrush		SE
Selaginella rupestris	Ledge spike-moss		ST
Solidago spathulata var. *gillmanii*	Sticky goldenrod		ST
Talinum rugospermum	Prairie fame-flower	C2	SE
Thalictrum polygamum	Meadowrue		ST
Trichostema dichotumum	Bluecurls		SR
Utricularia intermedia	Flatleaf bladderwort		WL
Utricularia purpurea	Purple bladderwort		SR
Utricularia subulata	Bladderwort		SE
Veronica glandifera	Speedwell		SR
Viola blanda	Redstem wild violet		ST
Amphibians/Reptiles			
Ambystoma laterale	Blue-spotted salamander		SSC
Ambystoma platineum	Silvery salamander		WL
Ambystoma tremblayi	Tremblay's salamander		WL
Clemmys guttata	Spotted turtle		ST
Clonophis kirtlandii	Kirkland's snake	C2	ST
Emydoidea blandingi	Blanding's turtle		SSC
Hemidactylium scutatum	Four-toed salamander		ST
Opheodrys vernalis	Smooth green snake		ST
Ophisaurus attenuatus	Western slender grass lizard		SSC
Pseudacris trisgriata	Striped (western) chorus frog		SSC
Rana pipiens	Northern leopard frog		SSC
Sistrurus catenatus	Eastern massasauga	C2	ST
Thamnophis butleri	Butler's garter snake		ST
Thamnophis proximus	Western ribbon snake		SSC
Mammals			
Myotis sodalis	Indiana bat	E	SE
Nycticeius humeralis	Evening bat		ST
Spermophilus franklinii	Franklin's ground squirrel		SSC
Taxidea taxus	Badger		ST
Arthropods			
Lycaiedes melissa samuelis	Karner blue butterfly	C2	SE

Scientific Name	Common Name	Status	
		Fed.	State
Birds			
Accipiter cooperi	Cooper's Hawk		SSC
Ardea herodias	Great blue heron		WL
Botaurus lentiginosus	American bittern		SE
Buteo lineatus	Red-shouldered hawk		SSC
Buteo platypterus	Broad-winged hawk		ST
Caprimulgus carolinensis	Chuck-will's-widow		WL
Certhia americana	Brown creeper		SSC
Chlidonias niger	Black tern		SE
Circus cyaneus	Northern harrier		ST
Cistothorus palustris	Marsh wren		SSC
Empidonax alnorum	Alder flycatcher		WL
Ixobrychus exilis	Least bittern		SSC
Lanius ludovicianus	Loggerhead shrike		SE
Mniotila varia	Black and white warbler		SSC
Nycticorax nycticorax	Black-crowned night heron		SE
Rallus elegans	King rail		SE
Sturnella neglecta	Western meadowlark		SSC
Vermivora chrysoptera	Golden-winged warbler		SE
Wilsonia canadensis	Canada warbler		SSC
Wilsonia citrina	Hooded warbler		SSC

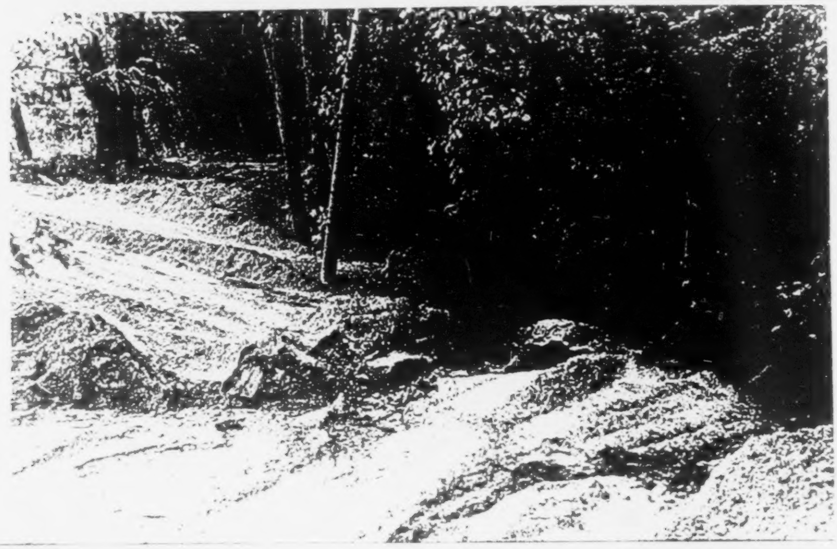
Sources: IDNR; USFWS; NPS 1986; Resetar 1988, 1989

ST = state threatened
SE = state endangered
SR = state rare
WL = watch list
SSC = state special concern
T = threatened (federal)
C2 = proposed for listing (category 2–federal)

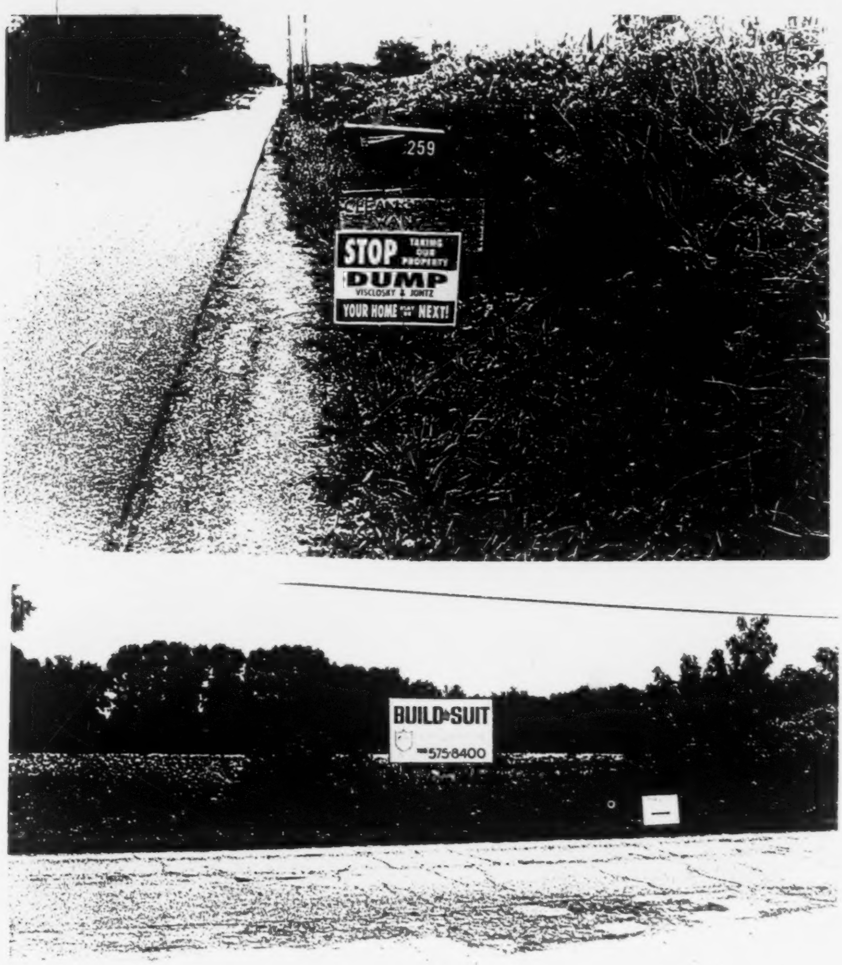
Area I-H/Woodlake Dune in Gary: Pristine dunes and wetlands

The Resource: Pristine Salt Creek (top), Canoists on Little Calumet River (bottom)

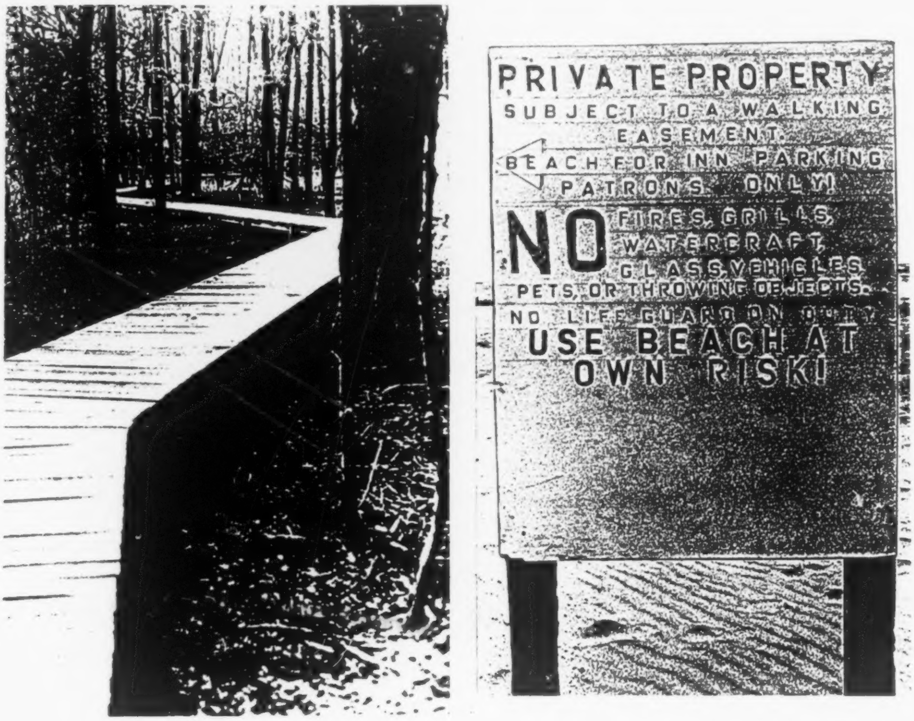
The Threat: Sand is used to fill floodplain along Salt Creek (top)
Debris and trees are pushed into floodplain in Portage (bottom)



The Threat: "Clean Fill Wanted" sign hangs above anti-park sign along Salt Creek (top). "Will Build to Suit" sign adjacent to Little Calumet (bottom)


259
STOP TAKING OUR PROPERTY
DUMP
VISCLOSKY & JONTZ
YOUR HOME NEXT!
BUILD SUIT
575-8400

Public Access Yes and No: Park Service management allows public to enjoy nature with low impact on resource (left). Porter Beach (area II-L) is a study in conflict (right).


PRIVATE PROPERTY
SUBJECT TO A WALKING EASEMENT.
BEACH FOR INN PARKING PATRONS ONLY!
NO FIRES, GRILLS, WATERCRAFT, GLASS, VEHICLES, PETS, OR THROWING OBJECTS.
NO LIFE GUARD ON DUTY
USE BEACH AT OWN RISK!

Testimony on S. 2882
A Bill to Expand and Enhance the Indiana Dunes National Lakeshore
Presented to the Senate Subcommittee on Public Lands, National Parks, and Forests.

by Margaret L. Willis
September 27, 1990 — Washington D.C.

Mr. Chairman, I am glad to have this opportunity to submit testimony in support of legislation to expand the Indiana Dunes National Lakeshore. This is a fragile ecosystem, with many human impacts already having left their mark on the land.

I grew up in this area and have seen drastic changes within the last two decades. Industrial growth, residential development and commercial interests have all taken their slice of the pie of northwest Indiana.

It is time to take stock of the region and protect what we can of what little remains of this unique and threatened resource.

I am in full support of the preservation aspects of both S. 2882 and H.B. 3209. That is to say the two areas not included in S. 2882; The Little Calumet River completion/ VIII-A and the Salt Creek corridor/VIII-B; are important for preservation and I would hope that these areas could be included in the final version of S. 2882. I fully support all else currently included in S. 2882.

These two river corridors are important, nearly pristine tributaries of Lake Michigan, and deserve preservation. The wildlife habitat, water and flood storage uses of these area alone, warrant protection. The potential for human recreation along these corridors should not be underestimated. They would make a fine addition to the National Lakeshore here, drawing fishing and boating enthusiasts and helping our local tourism economy. This is also an ideal way to continue the diversification of the economy of northwest Indiana.

I realize there has been vocal opposition to inclusion of these river corridors. It would seem that the opposition has been focused more on attacking individuals and mounting a misinformation campaign than on addressing the issues in question. I have not been satisfied with their reasons for opposing inclusion of these river corridors in the National Lakeshore. Wetlands laws are not currently strong enough to protect these areas from dumping, dredging and other destructive activity.

There have been many documented instances of abuse of the river corridors, which indicate they are resources in need of protection.

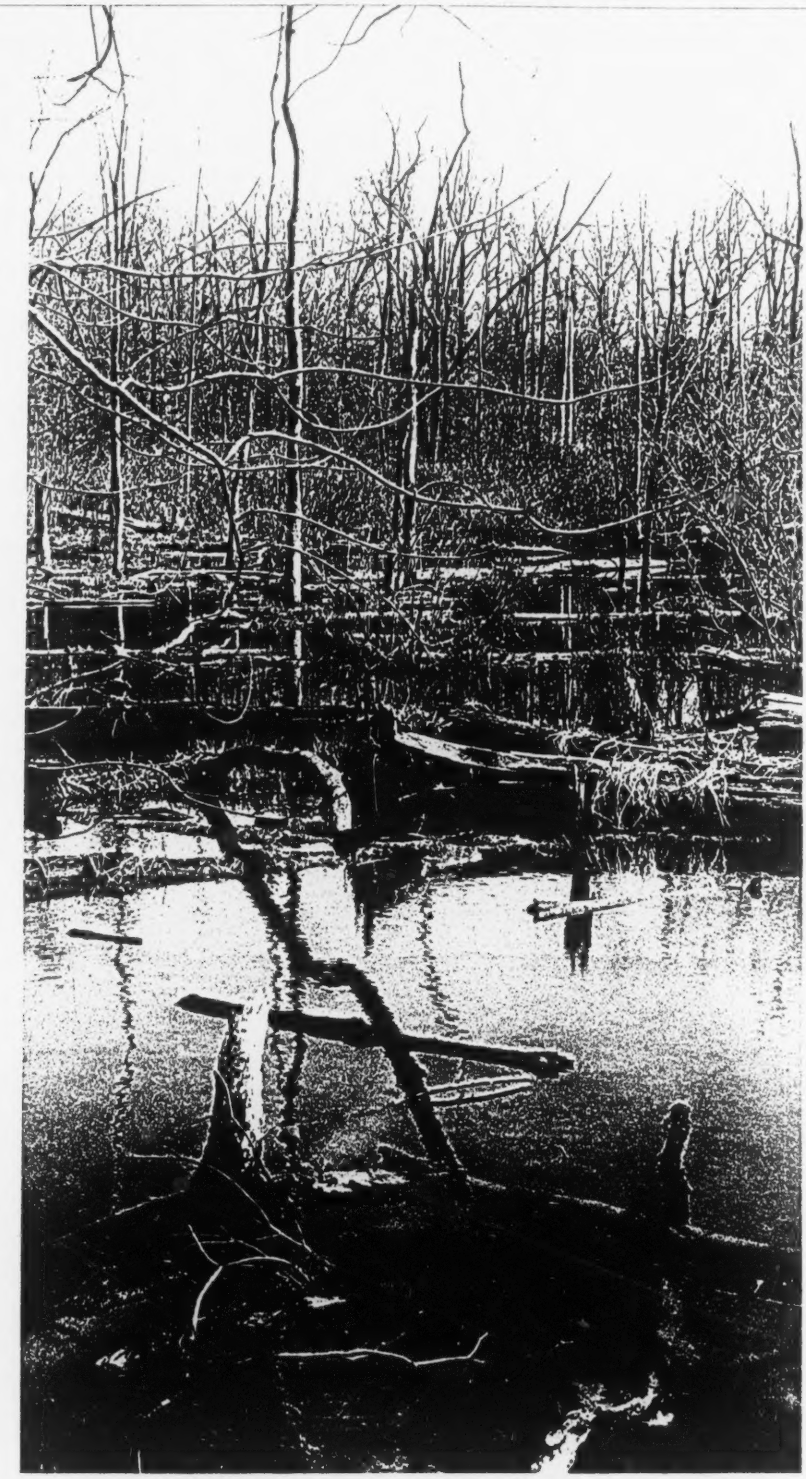
I believe that once an area has been identified as in need of protection, we cannot then just turn away.

Having worked at the *Chesterton Tribune*, a local daily paper, for ten years now, and having grown up in the Portage area, I am well aware of the increasing pressure for real estate development on this area. I would hate to see this opportunity for protection missed.

H.R.3209 is the only active proposal offering owners of land in the river corridors fair monetary compensation for loss of use of wetland areas.

I commend Senators Lugar and Coats and Congressmen Visclosky and Jontz for their efforts on behalf of preservation in Northwest Indiana and I encourage this committee to combine the preservation aspects of both S.2882 and H.B. 3209.

Marshland adjacent to Little Calumet River.
(Photo by Margaret L. Willis)



View along the Little Calumet River
(Photo by Margaret L. Willis)

TESTIMONY OF WILLIAM R. CARMICHAEL LOCAL GOVERNMENTAL REPRESENTATIVE FROM PORTER COUNTY, INDIANA REGARDING EXPANSION OF THE INDIANA DUNES NATIONAL LAKESHORE PARK BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS OF THE UNITED STATES SENATE

Originally, the National Lakeshore Park was created to preserve the sand dunes adjacent to Lake Michigan from the immediate threat of commercial and industrial expansion which historically had been moving steadily in an Easterly direction around the tip of the Lake. The current Park boundaries have protected these dunes plus a substantial buffer area adjacent to them. This buffer to the dunes extends in many areas as far South as U.S. 20. The National Lakeshore Park, as it currently exists, has achieved its purpose of preserving the dunes.

Preservation of the dunes, while important, has not been gained without substantial sacrifice. Thousand of people have undergone the hardship of being dispossessed. Assessed valuation to Porter County and local taxing units has been lost forever. Even the environment has suffered. According to professional lumbermen it would require one hundred sixteen (116) years on one (1) square mile of land to reproduce the lumber used in the homes and businesses acquired by the Park.

Currently, SB 2882 proposes the acquisition of three (3) additional Porter County parcels of land for inclusion in the Park. The Board of Commissioners of Porter County is in agreement that Crescent Dune should be included in the new Park bill. The Board opposes the remaining two (2) parcels. One of these parcels consists of sixty-eight (68) acres in Pine Township (Area II-M). Taking this land will only diminish further the tax base of Pine Township and further heighten the difficulties that local governmental units in the township are experiencing in obtaining sufficient revenue to provide essential governmental services like fire and police. There is no necessity of acquiring this tract of land as the Park Superintendent has stated publicly that he has no plans to use it for parking, shuttle, or camp ground purposes, the original reasoning for including it in the Park. Property in Porter Beach (Area II-L) is also proposed for acquisition to provide handicapped access to the Park. There is no need for this acquisition as the Park already owns the land immediately East of this parcel. This Park property contains ample parking and beach and lake access, which is perfectly suited to handicapped access.

SB 2882 also proposes a river corridor study for Salt Creek and the Little Calumet River to determine if these areas should become a part of the Park in the future. If these areas are ultimately included in the Park, hiking, picnicking, fishing, canoeing and bike trails are proposed within these areas for recreational use. These river corridors have been preserved for years under private ownership. The wetland areas which they contain are in good condition today precisely because they have been privately owned. They have not been subjected to a flood of public recreational use. It is inconsistent on the one hand to say that these areas are fragile, pristine and in need of preservation while on the other to propose to open them to public use and the inevitable abuses which that involves.

The continued preservation of these areas are more likely to be accomplished through private ownership in combination with local zoning and ordinance regulation prohibiting development or destruction of these river corridors.

The National Lakeshore Park was created in 1966 as a compromise taking into consideration the interests of the environment and the people living in this urban area. The Park was expanded by Congress in 1976, 1980, 1984, and 1986. The Board of Commissioners of Porter County believes that the consideration on the part of Congress to expand the National Lakeshore Park into the interior areas of Porter County far removed from the dunes and lakeshore marks a significant change in philosophy from the intent of the original bill. In the future, if these river corridors are added to the National Lakeshore Park, it would be perfectly consistent thereafter to add all other river and creek areas in Porter County to the National Lakeshore Park since they bear no distinction to the Little Calumet River or Salt Creek. We believe that the current Park boundaries with the inclusion of Crescent Dune should be considered as the final boundary of the Park in Porter County. Federal revenue available for the National Lakeshore Park in the future should be utilized to develop the property that the Park has already acquired so that the Park achieves its original purpose. Those development funds should not be diverted for the purpose of additional land acquisition in areas removed from the dunes and the adjacent lands needed to protect the dunes.

The citizens of Porter County thank the subcommittee for allowing me as their representative the opportunity of speaking to you on this matter.

September 19, 1990

Mrs. Sandy O'Brien
Plant Ecologist
5500 Liverpool Rd.
Hobart, IN 46342

The Honorable Dale Bumpers, Chairman
Subcommitttee on Public Lands, National Parks and Forests
Senate Committee on Energy and Natural Resources
364 Dirkson Senate Office Building
Washington, D.C. 20510

Dear Senator Bumpers:

I would like this letter to be part of the record of testimony on S 2882, the Indiana Dunes National Lakeshore Access and Enhancement Act. As a plant ecologist, a scientist who studies the many kinds of native plants and their relationship to each other and their habitat, I am compelled to ask you to preserve the greatest amount of natural areas possible in S 2882. Natural areas are really very complex and unique with particular mixes of plant, animal, insect, microorganism populations etc. The more land preserved, the more diverse and healthy the ecosystems of the Indiana Dunes National Lakeshore can be.

I will center my testimony on the Hobart Prairie Grove and the Deep River Corridor because I have studied these areas a great deal and am more or less considered "the expert" on them. In the case of the Hobart Prairie Grove, I have contacted the property owners and will report on that too.

I:

THE HOBART PRAIRIE GROVE is a high quality prairie woodland called "tallgrass savanna". It was part of the Deep River Corridor study in the House version of the Dunes bill. Because it has been well studied by other experts as well as me, the property owners are largely in favor of selling, and its immediate inclusion in the Lakeshore is politically non-controversial to popular, Senators Lugar and Coats changed the Hobart Prairie Grove to a direct addition.

The Hobart Prairie Grove is LOCATED next to the wetlands of upper Lake George, a lake created by a small dam on Deep River after it is joined by Turkey Creek. Located in the City of Hobart, it is 5 1/2 miles south of the Miller Woods unit of the Indiana Dunes National Lakeshore and 12 1/2 miles from the Lakeshore Headquarters. The Hoosier Prairie unit is about 7 1/2 miles due west of the Hobart Prairie Grove, even further from Headquarters. Since the Indiana Dunes National Lakeshore properties are already spread out, the location of the Hobart Prairie Grove is reasonably in the ballpark. The Hobart Prairie Grove would as a nature preserve unit not need intensive management in any case. A small parking area and trail designation are about all that would be necessary besides annual burning (ie. ground fire) to maintain the prairie plants.

The GEOLOGICAL RELATIONSHIP TO THE DUNES is also reasonable. The Hobart Prairie Grove underwent the same glacial history as the Dunes and is located between the Calumet and Glenwood old shorelines that created the dunes of the Lakeshore. It has the distinction of being on a large deposit of glacial till called Hobart Island that actually was an island during the time the Glenwood dunes were forming.

The ECOLOGICAL QUALITY of the Hobart Prairie Grove and the adjacent wetlands has been well documented. The wetlands were studied by the Indiana Department of Natural Resources who rated them in their 1979 Technical Report No. 303 the highest priority for acquisition largely because of their diversity and large size, well over 200 acres. Sandhill cranes rest there during migration; black-crowned night herons have been spotted there. Great blue and green backed herons, wood ducks and blue-winged teal are commonly seen in these wetlands. Hiking the Hobart Prairie Grove offers scenic views of the wetlands at many points.

The PLANT DIVERSITY of the Hobart Prairie Grove is high. As Dr. Gerould Wilhelm pointed out in his August 20th letter on this to you, Senator Bumpers, it has at least 267 native plant species with at least five rare, threatened, or endangered species. Three species are not found anywhere else in the Lakeshore: side oats grama grass, leafy-bracted tick trefoil, and wood vetch. Scientifically, it has a natural area rating index of 83 which is about the same as the Miller Woods unit of the Lakeshore, which is higher than some units but not as high as the really botanically outstanding Dune Acres and Dunes State Park units.

The UNIQUENESS AND RARITY OF THE TALLGRASS SAVANNA of the Hobart Prairie Grove is very important. Tallgrass savanna is what botanists call the open oak woodland with many prairie plants under the trees which was very common in the Midwest. What the pioneers called "prairie grove" blended with the tallgrass prairie in the presettlement days when the Native Americans kept the fires going through annually. Lack of fire since settlement, usefulness of the tallgrass savanna's fertile "black" soil for agriculture, plus development of subdivisions, mowed parks, etc. have nearly caused the demise of the tallgrass savanna and the plants and animals within it. An example of tallgrass savanna as high quality as the Hobart Prairie Grove really needs to be preserved. John Bacone and Tom Post, Director of and Biologist for the Division of Nature Preserves (Indiana Department of Natural Resources) respectively, have also been to the Hobart Prairie Grove and agree on its high quality. Sand savanna is common in the Lakeshore but tallgrass savanna is not well represented yet, though it was an important landscape of the Lake Michigan watershed. Dr. Wilhelm states in his above-mentioned letter that with annual or nearly annual fire management the Hobart Prairie Grove "has the potential of becoming one of the most significant and intact natural areas of its type in the entire region".

The RAIL-TO-TRAIL prospect of the Hobart Prairie Grove addition are encouraging. 2.44 miles of abandoned RR are included within the boundary. The potential is good for a rail-to-trail on this RR with Lake County Parks who is now negotiating to buy it. Neighboring Porter County public authorities are taking steps to buy this same abandoned RR which would provide a direct link to the eastern Indiana Dunes National Lakeshore. The Hobart Prairie Grove's 2.44 miles of RR has many "black-soil" prairie plants, some rare. There is a possibility for CANOE access from the east on the boundary's RR.

RECREATIONAL POSSIBILITIES at the Hobart Prairie Grove are hiking, picnicing, nature study, school group field trips, canoeing upstream Deep River which is in a wilderness setting, and rail-to-trail walking, running, and bicycling. The Hobart Prairie Grove is easy to get to by major interstates and roads. Such recreation so close to home really enhances the quality of life for many people in this densely populated area. It is closer than the main part of the Indiana Dunes National Lakeshore for potential National Park visitors in the highly populated region of Northwest Indiana and nearby metropolitan Chicago.

The PROPERTY OWNERS ARE LARGELY IN FAVOR OF SELLING with a specific rundown as follows (property ownership map included):

Barkham's own 26 acres, #17-34-97, #17-209-12and13, say yes to selling
Breitzke's own 8 acres, #17-38-49, say yes to selling
Bundalo's own 63 acres, #17-38-43to47, 17-38-50, 17-209-10, say yes to selling but want to sell 36 acres of farmland too
EJ&E RR owns 30 acres or 2.44 miles, yes to selling
Gainer or Gary National Bank Trust owns 9.25 acres, #17-38-52, no answer
Garcia's own 3 acres for rail-to-trail parking, say no to selling but this may be deleted from boundary in favor of dealing with a willing seller
Kovel's own 3.2 acres, #17-38-48, live north of this* and are concerned about privacy and farm dogs bothering people--a fence would probably please her, yes to selling "with house for $200,000"
Martin's own 9.25 acres, #17-38-42, live north of this* and just bought house & land for very high price for its wilderness quality, understandably not willing to sell at lower price, concerned about seeing people, a conservation easement to allow the absolutely necessary ground fires to come through would be fine with me--their land is particularly pristine and must be preserved
Nozrik owns 62.5 acres, #17-209-11, 17-209-42, yes to selling for a dedicated nature preserve which should happen--has been holding out for preservation!
Peddicord owns 34.28 acres, #17-209-3, says "anything is negotiable"
Wilcox trustee trust owns 9.288 acres, #17-38-59, no definite answer at that time
Winslow's own 23.5 acres, #17-38-40, say yes to selling

*The Kovel's and Martin's have no legal access to their wooded property here since it is cut off by the railroad.

Because much of the land is currently for sale, the Hobart Prairie Grove is immediately threatened with development so now is the time to acquire it.

POLITICALLY, the Hobart Prairie Grove addition is not controversial. Many local Hobart people are in favor, the City Council approved a proclamation in favor which was sent to your Subcommittee, and Hobart Mayor Margaret Kuchta is very strong in her support of the Hobart Prairie Grove addition. Mayor Kuchta even testified in Washington at the House Dunes bill hearing last fall to ask that the Hobart Prairie Grove be a direct acquisition.

II:

The DEEP RIVER CORRIDOR is fully deserving of a study to determine its best uses for the public. The Deep River Corridor passes through Lake Station (home of S 2882's Calumet Prairie Addition), New Chicago, and Hobart.

Lake Station has its share of NATIVE AMERICAN HISTORY because it was a favorite hunting, fishing, fruit gathering, meeting and ceremonial grounds. Richness in food, plus the high ground of the Calumet dune ridge for easy travel in contrast to the vast wetlands to the north and south made this area a relative paradise.

An interesting ARCHEOLOGICAL FIND is the white spruce cones and other remnants of the northern coniferous forest which covered the area 10,000 years ago buried under the sand in the Deep River Corridor site #10.

GEOLOGICALLY the Deep River Corridor runs lengthwise through the Calumet dunes in the vicinity of natural areas #4-10 on the map included. Supposedly, the "deep" of this river's name came from the depth of the river relative to the height of these Calumet dune bluffs especially.

FENS ARE THE MOST OUTSTANDING NATURAL AREAS in the Deep River Corridor. Fens are unusual, open wetlands fed by groundwater seeping out of the steep bluffs which overlook Deep River. Natural areas #3,5,6,7,8,9,&10 contain fens. Many rare and endangered plants plants grow in these fens, including the purple fringed orchid found in #9 and #10. Fens like these are not well represented in the Indiana Dunes National Lakeshore and are rare in the Chicago region. From the skunk cabbage in early spring to the hummingbirds visiting the jewelweed flowers in fall, these wild haunts of ferns, prairie grasses, and wildflowers are always interesting.

RICH WET SAND PRAIRIES like those of the Dunes are found in Lake Station and New Chicago on a smaller scale in vacant areas right next to streets for easy access by nature studyers who can't or won't walk as far as they'd need to in the Dunes to see the same wonders. S 2882's Calumet Prairie is the largest of these sand prairies. Lake Station itself has 21 plant species considered rare, threatened or endangered by the Indiana Department of Natural Resources. SAND SAVANNA is well preserved on the Calumet dune bluff at #9, the Van Buren Fen and Savanna.

The VAN BUREN FEN AND SAVANNA in New Chicago is home to three plants on Indiana DNR's threatened and endangered list: forked aster, jointweed, and purple fringed orchid, plus numerous plants considered rare in the Chicago region. This high quality natural area of about 30 acres is under the threat of development.

The WILDLIFE of the section of Deep River downstream from Lake George is quite diverse, including beavers, mink, deer, great horned owls, long-eared owls, screech owls, marsh and red-tailed hawks, great blue herons, green-backed herons, wood ducks and even migrating sandhill cranes. NATIVE FISH in this section are northern pike, largemouth and rock bass, crappie, bluegill, red-ear sunfish, bullheads, and channel catfish. SPORT FISHERMAN fish for the large steelhead trout, chinook and coho salmon that gather below Warner dam in the spring.

CANOEING on Deep River downstream from Lake George is a pleasant, easy trip on the wide river with much nature to be seen despite the closeness to city life. CANOEING Deep River upstream from Lake George is a wilderness canoe experience with only the river and its wildlife and woods. There is enough water upstream to at least 61st Avenue to canoe all summer long. Upstream, the only houses seen are a few near 61st Avenue.

To the best of my knowledge, the Deep River Corridor has THE MOST PRISTINE NATURAL AREAS of the three proposed river corridors. I do not know of fens on Salt Creek or the Little Calumet River, although I have heard the Little Calumet has some rich bottomland woods. From what I understand, the CANOEING SEASON is short on the other two rivers because they have too little water in midsummer, in constrast to Deep River which always has enough water.

The DEEP RIVER CORRICOR has a lot to offer to the Indiana Dunes National Lakeshore in natural area value and canoeing, fishing, and hiking recreation.

The Indiana Dunes National Lakeshore already has preserved a variety of ecological areas including a bog. The HOBART PRAIRIE GROVE is a worthy and valuable addition.

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Indiana Department of Natural Resources. 30 April 1979. "A Priority Rating of Selected Wetlands in the Indiana Coastal Zone Study Area." Technical Report No. 303. 169 pp.

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Packard, Steve. 1988. Letters to author.

Swink. F. and Dr. Gerould Wilhelm. 1979. Plants of the Chicago Region. The Morton Arboretum, Lisle, IL. 922 pp.

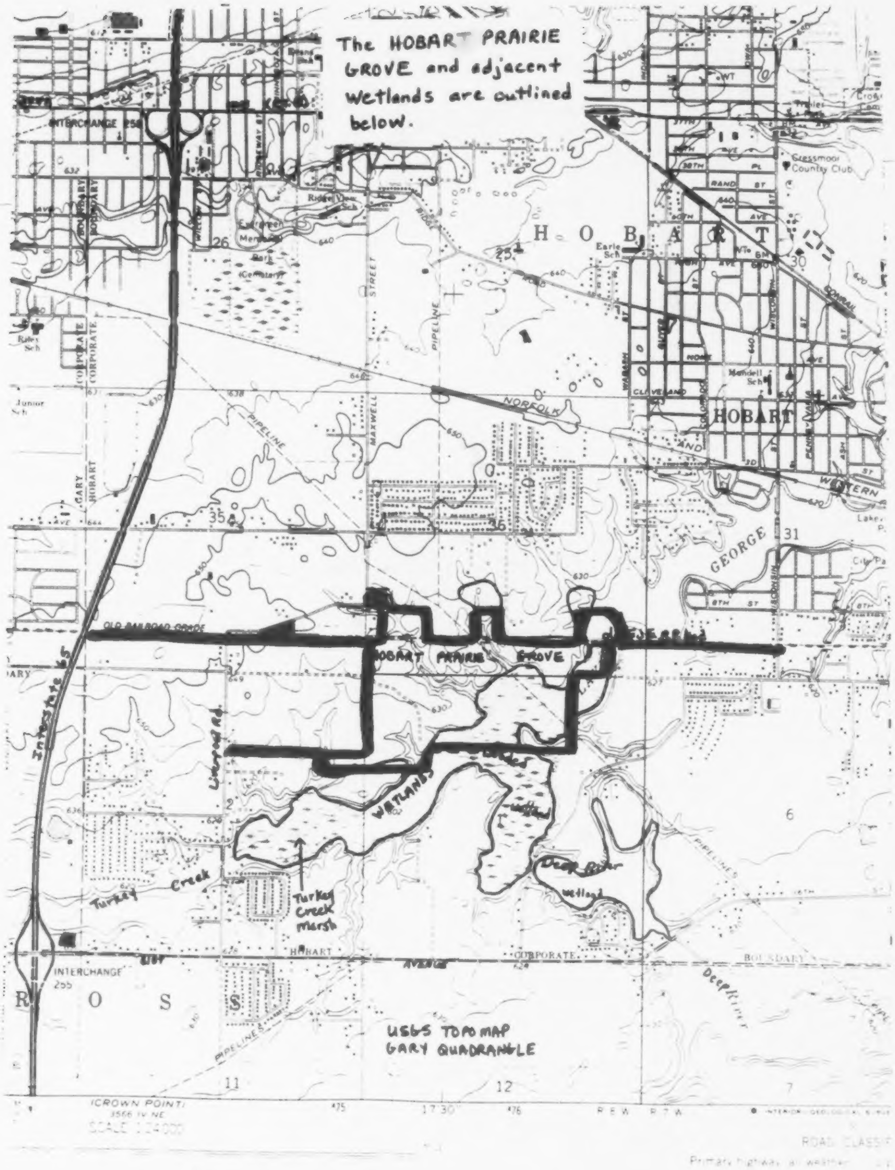
Wilhelm, Gerould. 1980. "Report on the Special Vegetation of the Indiana Dunes National Lakeshore." Indiana Dunes National Lakeshore Research Program. Report 80-01. 262 pp.

Wilhelm, Gerould. 20 August 1990. Letter to Senator Bumpers, Subcommittee on Public Lands, National Parks and Forests about the Hobart Prairie Grove.

Sincerely,

Mrs. Sandy O'Brien

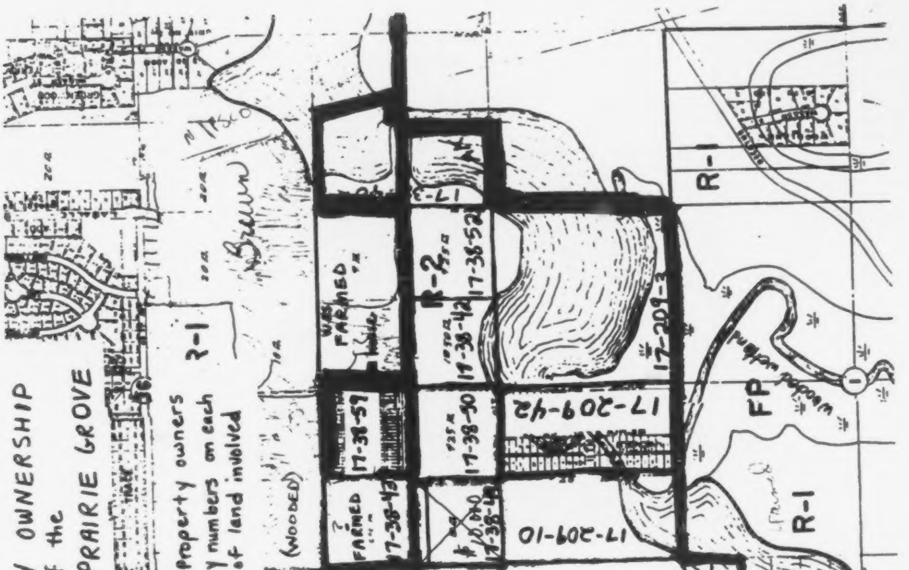
Mrs. Sandy O'Brien
Plant Ecologist
5500 Liverpool Rd.
Hobart, IN 46342



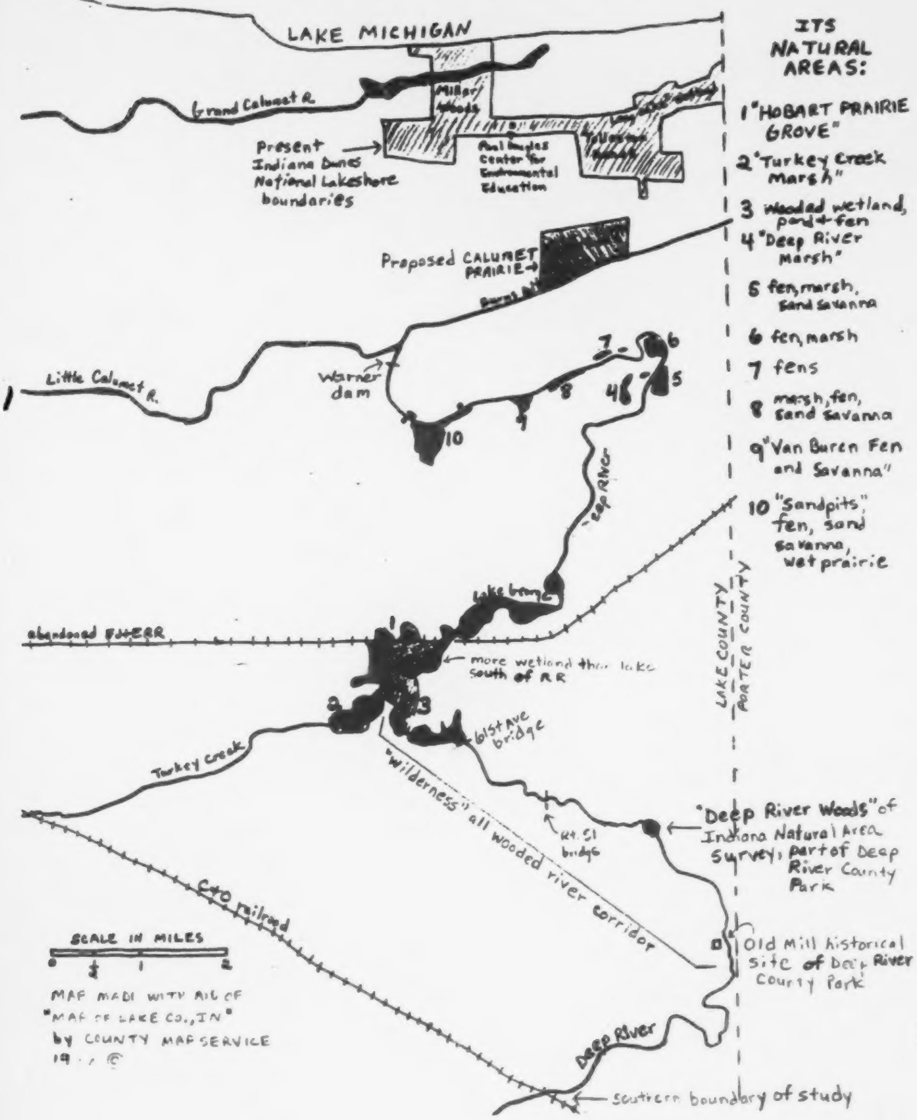
The HOBART PRAIRIE GROVE and adjacent wetlands are outlined below.

USGS TOPO MAP GARY QUADRANGLE

HOBART
HOBART
HOBART PRAIRIE GROVE
OLD RAILROAD GRADE
Interstate 65
INTERCHANGE 250
INTERCHANGE 255
WETLANDS
Turkey Creek
Turkey Creek Marsh
Deep River wetland
Deep River
Liverpool Rd
GEORGE
NORFOLK
AND
WESTERN
PIPELINE
PIPELINES
MAXWELL
STREET
RIDGE
ROAD
Evergreen Memorial Park (Cemetery)
Cressmoor Country Club
Earle Sch
Mundell Sch
Riley Sch
Junior Sch
CORPORATE
BOUNDARY
GARY
HOBART
AVENUE
R O S S
26
25
30
35
36
31
6
11
12
7
(CROWN POINT)
3566 IV NE
SCALE 1:24 000
17'30"
R 8 W
R 7 W
ROAD CLASSIF
Primary highway, all weather


PROPERTY OWNERSHIP
of the
HOBART PRAIRIE GROVE
Eleven Property owners
with key numbers on each
parcel of land involved
R-1
Brown
(WOODED)
FARMED
Bandelo
FARMED
17-38-59
17-38-43
17-38-44
45
46
47
R-2
17-38-52
17-38-42
17-38-30
17-38-41
17-209-3
17-209-42
17-209-10
17-209-11
42.5 ac wooded
17-209-12
17-209-13
17-34-9
R-1
FP
R-1
COW PASTURE
KNIGHTS OF COLUMBUS RETREAT
Turkey Creek
marsh
mostly FARMLAND
R-2
HODGES
LIVERPOOL ROAD
Garcia
49th AVE
3
35
16-A
1
2

THE DEEP RIVER CORRIDOR


LAKE MICHIGAN
Grand Calumet R.
Miller Woods
Present Indiana Dunes National Lakeshore boundaries
Paul Douglas Center for Environmental Education
Proposed CALUMET PRAIRIE
Little Calumet R.
Warner dam
Deep River
Lake George
abandoned EJ&E RR
more wetland than lake south of RR
Turkey Creek
61st Ave bridge
"wilderness" all wooded river corridor
Rt. 51 bridge
"Deep River Woods" of Indiana Natural Area Survey; part of Deep River County Park
Old Mill historical site of Deep River County Park
C&O railroad
Deep River
southern boundary of study
LAKE COUNTY
PORTER COUNTY
SCALE IN MILES
0
½
1
2
MAP MADE WITH AID OF "MAP OF LAKE CO., IN" by COUNTY MAP SERVICE 19.. ©
1
2
3
4
5
6
7
8
9
10
ITS NATURAL AREAS:
1 "HOBART PRAIRIE GROVE"
2 "Turkey Creek Marsh"
3 Wooded wetland, pond + fen
4 "Deep River Marsh"
5 fen, marsh, sand savanna
6 fen, marsh
7 fens
8 marsh, fen, sand savanna
9 "Van Buren Fen and Savanna"
10 "Sandpits", fen, sand savanna, wet prairie

September 17, 1990

Senate Subcommittee on Public Lands,
National Parks and Forests.

Testimony on Senate bill 2382, Indiana Dunes
Access and Enhancement Act, by the Porter County
Chapter of the Izaak Walton League of America.

__I.__ The chapter acquired over five acres of land in 1987 in Unit I-M right on the border of the National Lakeshore, in order to prevent a motel and a restaurant from locating there. Most of the Izaak Waltom land is undisturbed duneland with a dune shared with the National Lakeshore to the north and with a property owner to the east. The chapter land also has a creek flowing through it, and the rare plant trillium grows there.. The property owner to the east, a Mr. Kepshire, also has a wetland on the border with the National Lakeshore.

Owners of sixty percent (60%) of the land in Unit I-M either want their land included in the National Lakeshore, or don't mind selling to the National Lakeshore, or have their land for sale now. This area is now zoned R-1 residential. We urge the inclusion of Unit I-M in the final Senate bill.

Our State Representative Ralph Ayres from Chesterton endorses the inclusion of the highway 49 corridor in the National Lakeshore. He sent a letter to that effect to Senator Lugar.

We do not oppose freedom from condemnation, but we feel that Congress should be careful and selective to whom it gives this priviledge. There are only six (6) year round homes in Unit I-M. Two of the homeowners are elderly couples who want to sell. Two home owners along the east side of Indiana Highway 49 have been cutting down trees for the last eighteen months. There is need for a green screen, and these two homeowners have been removing the green screen.

Here are our comments on the two river corridors in Porter County.
__II.__ The Indiana Dunes expansion bill in 1986 added to the National Lakeshore the northern end of Salt creek where it flows into the Little Calumet river. The southern end of this addition is just south of Interstate highway 94. That makes this stretch of Salt creek in the National Lakeshore practically inaccessible to visitors from the south.

The Salt creek valley south of I-94 to Old Porter Road is under two jurisdictions. The east side is in Burns Harbor, the west side is in Portage We urge the subcommittee to include this stretch of the Salt creek valley, about half-a-mile long, under National Lakeshore control.

Another mile south on Salt creek is Imagination Glen park in Portage. Two supervisors of the Portage Park Department are asking for the inclusion of the Salt creek valley up to Imagination Glen park in the National Lakeshore. One of their reasons is that they want to connect with the trail system in the National Lakeshore.

Our Izaak Walton League chapter looked into acquiring the Salt creek valley from south of I-94 to U. S. highway 20 in order to establish access. We had to give that up because we bought land on Indiana 49.

__III.__ The Little Calumet river and its wetlands should become part of the National Lakeshore. Many of the homeowners in Graham Woods, Wake Robin Fields, and Brummit Acres (suburbs of Chesterton) are employed in Chesterton or are in business there. They know deep in their hearts that tourism is profitable. They may not particularly

./.

III continued Porter County Chapter IWLA on S. 2382

like to have a stream under federal control in their neighborhood, but they are likely to accept it.

A trail to the Heron Rookery should be very popular. The Little Calumet river is suited for canoeing, especially in the Spring.

IV. There were at least two reasons why Congressman Visclosky included the Furnessville parcels on the north side of U.S. 20 in his bill. One was that the highway deteriorated so much between the Conrail overpass in Porter and the Pines cut-off (Ind.520) in The Pines since 1966, when the National Lakeshore was established. The other one was that the Furnessville parcels are zoned commercial. Two long sections of the National Lakeshore in the town of Porter and in unincorporated Furnessville border on U.S. 20.

What is important, however, is that the decay of U.S. 20 in this stretch be reversed. The uglification of U.S. highway 20 is due to the efforts of the county and the towns to industrialize and commercialize the highway. Unincorporated Porter county has a junk yard and a truck garage there; the town of Porter has a truck repair garage; Chesterton has a mini-warehouse and a truck garage; and The Pines has a dump.

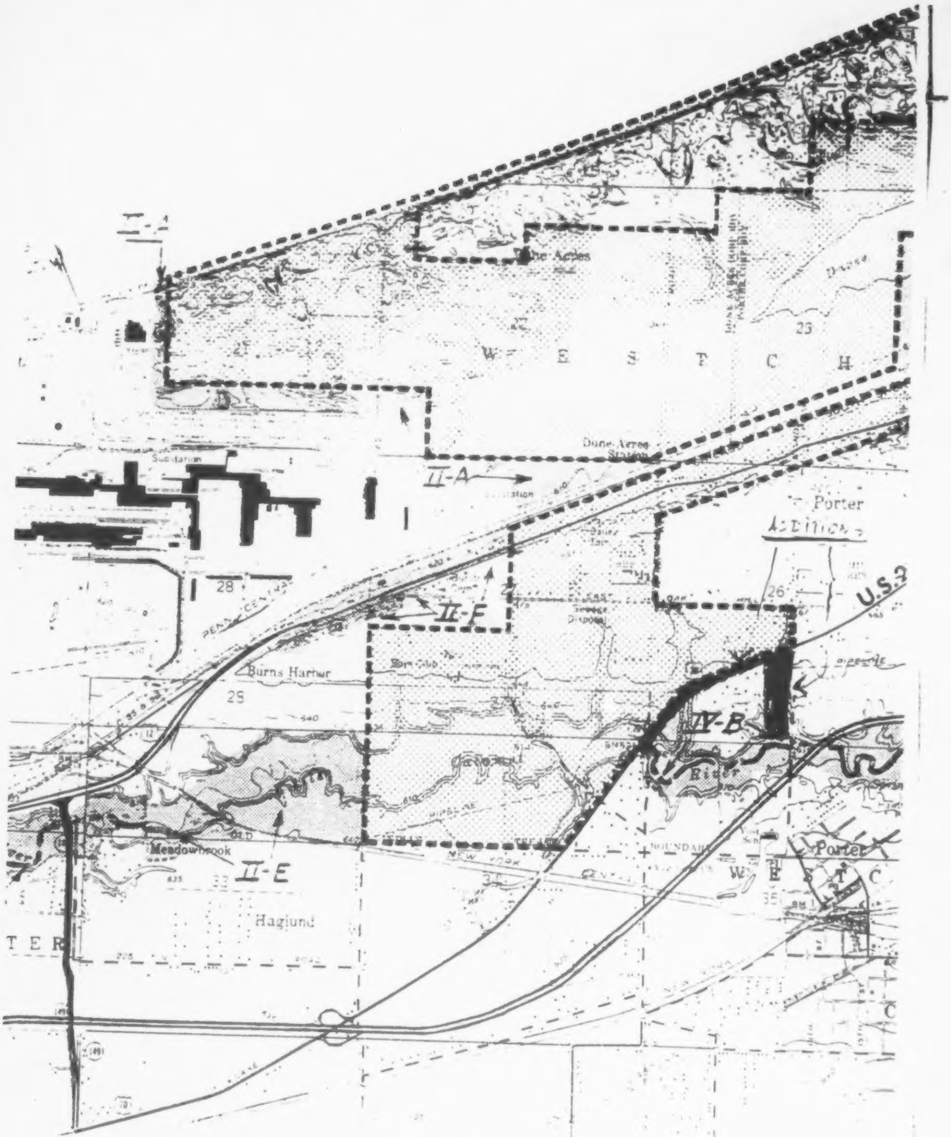
We are not trying to be unreasonable. We feel, however, that U.S. 20 between the Conrail overpass in Porter and the Pines cutoff (Ind. 520) in The Pines should not have businesses that discourage tourism.

V. Finally, we feel that the Senate bill should include a ravine on the west side of Wagner Road (50 W) in Porter between U.S. 20 and the Little Calumet river.The ravine north of U.S. 20 already is in the National Lakeshore. We also would like to see a fifty foot greenbelt ob the south side of U.S. 20 between Wagner Road and Mineral Springs Road (100 W) included in the Senate bill.The noeth side of U.S. 20 already is in the National Lakeshore.

Residents of the North river subdivision in Porter, which is surrounded by the two small additions which we are suggesting, and by the Little Calumet river, overwhelmingly support thse two small additions. We have a petition to prove it. Officials of the town of Porter told us that they do not have a position on this, which leads us to assume that they will not object. These two small additions will give the Bailly section of the National Lakeshore a better eastern border.

These two small additions do not have any houses. A map is enclosed.

H. J. Steiner
Chapter President


II-A
Dune Acres
21
22
23
W E S T C H
Dune Acres Station
Substation
II-A
Porter
ADDITIONS
26
U.S.2
28
PENN CENTRAL
II-F
East Sewage Disposal
Burns Harbor
29
IV-B
River
Meadowbrook
II-E
33
34
NEW YORK CENTRAL
BOUNDARY
Porter
W E S T C
35
Haglund
T E R

THE 2010 COMMITTEE
P.O. BOX 487
BEVERLY SHORES, IN 46301

George C Bagnall 874-4036
Laurie Tanis 872-1080
Gail Saum 874-3742

September 25, 1990

Senator Dale Bumpers
Chairman, Subcommitte on Public Lands,
National Parks and Forests
364 Dirksen Building
Washington, DC 20510

Dear Senator Bumpers

Re: Testimony S-2882

HISTORY OF INEQUITIES REGARDING RESERVATION OF USE AND OCCUPANCY (a/k/a leasebacks) @ Indiana Dunes National Lakeshore.

The establishment of the Indiana Dunes National Lakeshore in 1966 divided homeowners into two categories, those whose homes were included in the Park and those that were excluded. The intention of the original legislation was to provide equitable treatment of those homeowners that were included. The exemption from condemnation successfully accomplished this goal.

The homeowners' provisions known as the Cape Cod Plan were adopted in the original Lakeshore legislation. The fundamental concept that was basic to the homeowners' provisions was the exemption from condemnation. This provision guaranteed fairness and equality under the law.

It took much thought and extensive consideration to give those homeowners included in the Park fair and equitable treatment. Those homeowners whose homes were not included in the park,

would find that their homes continued to appreciate in value and in some cases they would reap a bonus of additional green space or opening up a view some time in the future when a nearby leaseback expired. For example homes on the south side of Lake Front Drive would gain a substantial appreciation in value when their neighbors on the north side vacated their homes.
On the other hand, the homeowner included in the Park found that his appreciation in value continued to some extent with a leaseback, but would reach a zero value at the time of termination.

A major problem developed in the Lakeshore when the homeowners' provisions were removed in PL 94-549 (10/18/76). This provision was pivital in gaining support from homeowners for the very creation of the Indiana Dunes National Lakeshore. We now recognize the attempted use of this switch and bait technique employed by the environmentalist in 1989. Both the Sierra Club (page 5) and the Save the Dunes Council (page 6) proposed an exemption from condemnation for the NEW HOMEOWNERS ONLY while vehemently opposing such a provision for homes already in the Park, when lobbying for HR 3209. Senate Bill S-2882 in the present form in essence provides an exemption from condemnation ie acquisition by NPS "only with the consent of the owner" for the NEW homes to be included in the 49 Corridor. (p 7) Now that these homeowners agree to inclusion in the Lakeshore will this provision be deleted by some future legislation?

In her testimony for S-2560 (1978) Ruth Osann addressed the loss of the homeowners provisions in a humanistic manner which is a contradiction of the environmental activists stated position today (see page 8).

In 1979 Senators Bayh and Lugar intended to restore the exemption from condemnation when they authored S-599 (see page 9). Final passage of PL 96-612 (12/28/80) offered alternative solutions to the existing inequities, but did not include the exemption from condemnation. Those homeowners directly affected by this basic loss of their rights are no longer protected from the ravages of inflation. With the loss of the exemption from condemnation homeowners that were included in the Lakeshore are no longer treated equally with those homeowners excluded (see page 10).

In addition further inequities have crept into the treatment of leasebacks. For example in the 1980 legislation a nine year extension gave more time to some leasebacks than to others. The proposed 29 Year Plan has addressed this inequality between holders of leasebacks.

Park management has created another inequity by spreading the purchase of leasebacks over a 20 year period. A homeowner appraised for $30,000 in 1970 was appraised for $295,000 in 1990. This homeowner benefited from 20 years of appreciation.

Park management has misrepresented the original cost of a leaseback as "rent" in the House Hearings on HR 3209, November 16, 1989. This single act of lobbying served to misinform and deceive both the House Subcommittee on National Parks and Public Lands and the general public (see page 11).

The 29 Year Plan is a major compromise that can resolve and finalize the homeowner issue by implementation of the following three modifications.

1. Add life estates for original owners.
2. Extend the one percent formula for original owners.
3. Extend present terms and conditions.

We feel that these modifications to S-2882 will offer a final resolution to the long standing inequity among the original homeowners who were taken into the Lakeshore and those homeowners that were excluded.

Sincerely

THE 2010 COMMITTEE

Gail Saum Laurie Tanis

George C Bagnall Gail Saum Laurie Tanis

(add Sierra Club Dunes Lakeshore expansion proposal)

—a beautiful large unspoiled area along Countyline Road in Gary.

—numerous important unspoiled dune ridges throughout the Miller section of Gary.

—areas along U.S. 20 and Old Hobart Road that have been hit hard by abuse from off road vehicles and illegal dumping.

—The Little Calumet River floodplain and wetlands from the Blue Heron Rookery east of Chesterton west to the existing park boundary in Porte

—The remaining unspoiled dunes at Porter Beach.

—The Indiana 49 corridor north of the U.S. 20 cloverleaf to protect a greenway along 49 between Hjelm Rd. and the existing park boundary at one of the Lakeshore's most used entrances.

—Unspoiled dunes in Dune Acres adjacent to the Cowles Bog unit of the Lakeshore.

—The former NIPSCO greenbelt south and west of Cowles Bog. With the end of the Bailly 1 nuclear project the utility no longer needs the largely unspoiled strip as a security buffer. The strip includes dunes and wetland half in and half out of the Lakeshore, the club statement said.

—The Salt Creek floodplain and wetlands south to U.S. 6 in Portage, Burns Harbor and Liberty Twp.

—Beverly Shores dunes and wetlands in the "island" part of the lakefront town.

—undeveloped lands adjacent to the proposed Lakeshore campground near U.S. 12.

—the remnants of dune ridges just west of Burns Ditch in Portage.

—lands adjacent to the park's Inland Marsh unit in Portage.

The Chapter also supports several policy proposals for inclusion in the bill to insure that the National Park Service can carry out its mission of protecting the Lakeshore lands including:

—[redacted]

—Strengthened authority for the National Park Service over utility easements and drainage ditches within Lakeshore boundaries to prevent ditching of rivers and streams by other agencies.

—Authorization for the Park Service to purchase road and utility right of way within the boundaries of the Lakeshore no longer needed to serve homes. Such a move will help the Park Service control illegal dumping, the club said in a press statement.

—The naming of the park's Kemil Road Visitor Center for the late Dorothy Buell, founder of the Save the Dunes Council and a key conservationist in the fight for creation of the park in the 1950s and 1960s.

Sierra Club HOOSIER CHAPTER

For immediate release. -5-

For more information call Tim Maloney (812) 988-2717

Save the Dunes Council – Spring of 1989

1989 Indiana Dunes Lakeshore Expansion
Policy Issues For Discussion

1. Policy toward purchase of existing homes in expansion areas; Existing single family residences constructed prior to March 1, 1989 [redacted]

On all existing structures the Secretary shall have the right of first refusal upon the offering of the property for sale. Sellers shall have the option of outright sale, sale with up to 25 year reservation of use (leaseback) or sale with life tenancy.

2. Policy toward purchase of existing retail properties in expansion areas: Existing businesses may continue on 5 year permits until offered for sale at which time the Secretary shall have the right of first refusal.

3. Strengthen NPS authority over utility easements and drainage ditches within IDNL boundaries. (Wording under discussion.)

4. Authorize NPS to acquire (in fee) road and utility right of way within boundaries of IDNL no longer needed to serve leaseholders.

5. Emergency access corridor to Cowles Bog unit through Dune Acres (wording in bill)

6. Naming the Kemil Road Visitor Center for Save the Dunes founder Dorothy Buell.

"SEC. 28. In furtherance of the purposes of this Act, the Secretary may enter into a cooperative agreement with the city of Gary, Indiana, pursuant to which the Secretary may provide technical assistance in interpretation, planning, and resource management for programs and developments in the city of Gary's Marquette Park and Lake Street Beach.".

SEC. 9. UNIT I–M.

The Act, as amended by section 8, is amended by adding at the end thereof the following new section:

"SEC. 29. (a)(1) UNIT I–M.—Before acquiring lands or interests in land in Unit I–M (as designated on the map referred to in the first section of this Act), the Secretary shall consult with the Commissioner of the Indiana Department of Transportation to determine what lands or interests in lands are required by the State of Indiana for improvements to State Road 49 and the reconstruction and relocation of the interchange with State Road 49 and U.S. 20 so that the acquisition by the Secretary of lands or interests in land in Unit I–M shall not interfere with planned improvements to the interchange and State Road 49 in the area.

"(2) The Secretary may acquire lands or interests in land that are as of July 1, 1990, and that thereafter remain in use as improved residential properties within Unit I–M only with the consent of the owner.".

Visclosky
for homes

HEARING

BEFORE THE

SUBCOMMITTEE ON PARKS AND RECREATION

OF THE

COMMITTEE ON ENERGY AND NATURAL RESOURCES UNITED STATES SENATE

NINETY-FIFTH CONGRESS

SECOND SESSION

ON

S. 2560

A BILL RELATING TO THE INDIANA DUNES NATIONAL LAKESHORE, AND FOR OTHER PURPOSES

AUGUST 10, 1978

Publication No. 95-161

STATEMENT OF RUTH OSANN, PRESIDENT, SAVE THE DUNES COUNCIL, INC., BEVERLY SHORES, IND.

I am Ruth Osann, president of Save the Dunes Council, Inc., testifying in general support of the bills before this committee to enlarge the Indian Dunes National Lakeshore. I appreciate the opportunity afforded by these hearings to present this statement. As you may already know, the Council is a 20-year-old citizen organization founded for the sole purpose of preserving and protecting the Indiana Dunes for public use and enjoyment.

HOMEOWNERS PROVISIONS

Most of the residents in the Beverly Shores area chose to live there because they appreciated the special beauty of the Indiana Dunes environment. This has resulted in strong community support in that area for inclusion within the Lakeshore. However, the changes in the terms of acquisition of residential property provided in the 1976 amendment have led to much confusion and controversy. We believe those changes were ill-advised and have created a situation in which both the Congress and the National Park Service have lost a great deal of credibility among local citizens. An examination of the record will clearly demonstrate that acquisition between 1967 and 1976 worked well. Acquisition from 1976 to date has not. The 20 year leaseback provided under the 1976 legislation is the shortest leaseback of any park in the System. This, combined with the 1976 reinstatement of the Secretary's authority to condemn improved property including homes, has been frustrating to homeowners in the existing park.

The Council firmly believes that the creation of a unit of the National Park System in a metropolitan area calls for special sensitivity by both the Congress and the Park Service. The Indiana Dunes National Lakeshore will be there permanently. In that perspective, the time allowed homeowners to phase out their occupancy of residential dwellings will be inconsequential.

BIRCH BAYH
INDIANA

United States Senate
WASHINGTON, D.C.

March 14, 1979

Dear Friend:

Because of your interest in the Indiana Dunes National Lakeshore, I thought you might like to see a copy of my statement of introduction of S. 599, the Indiana Dunes National Lakeshore Expansion Bill, which I introduced, along with Senator Lugar, on March 8.

This bill includes the Beverly Shores "island" and the Highway 12 strip in the Park, **and restores the homeowners' provisions** from the original 1966 bill establishing the Park. In addition, the bill dedicates the Indiana Dunes to the memory of the late Senator from Illinois, Paul H. Douglas, and designates one portion of the lakeshore and a building to be named after him.

I am hopeful that this bill will receive prompt attention by the Senate.

If you have any questions about this legislation, please don't hesitate to contact my office.

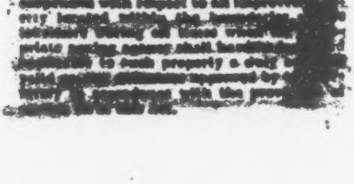
Best regards,

Sincerely,

Birch Bayh

Birch Bayh
United States Senator

Enclosure



(c) Section 6 of such Act, as amended (16

TUESDAY, DECEMBER 5, 1989

News Dispatch
Michigan City, IN

National Lakeshore leasebacks should end at same time

ANVIL CHORUS

Dear editor: Mrs. Sylvia Troy, in her Oct. 29 letter to the editor, discussed leasebacks in the Indiana Dunes National Lakeshore, from her point of view. Mrs. Troy states that she is opposed to a uniform termination date for leasebacks, implying that this will add to parking problems, would not be in the public interest and would give leaseback owners an opportunity for speculation.

My home and Mrs. Troy's home are both in Beverly Shores south of Lake Front Drive overlooking Lake Michigan. My home is in the Lakeshore, and I am a leaseback owner.

Mrs. Troy's home is not in the Lakeshore, and she enjoys full private property ownership rights. The beach in front of my home and in front of Mrs. Troy's home is in the Lakeshore. To suggest that my home in any way has more impact on parking or beach access than her home is ridiculous.

Indeed, the public interest may well have been served better if the original Lakeshore concept had been followed: The National Park Service stated at its conception that "the Lakeshore would be an experimental, innovative, creative urban park with homeowners to be an integral part of the experiment."

In the original 1966 law that created the Lakeshore, Congress gave me, along with other homeowners, an exemption from condemnation. I enjoyed this "homeowner's right" for 10 of the 23 years that my home was in the Lakeshore.

Congress removed the exemption from condemnation with legislation passed in 1976. Had Congress and the Park Service told the homeowners that they had no intention of honoring the "exemption from condemnation," it is likely the Lakeshore boundaries would have been very different.

Mrs. Troy seems to feel that I, as a leaseback owner, received an especially good deal. But I do not have as good a deal as she does.

Her home increases in value every day, and mine is worth less each day until eventually it will have no value at all.

In view of past inequality of treatment of leaseback holders, a uniform termination date for all would afford a fair, workable compromise and would once and for all end the bitter confrontation between leaseback holders and environmental activists.

George Bagnall
Beverly Shores

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March 4, 1977

Mr. Vince Shaulis
City Hall
Beverly Shores, Indiana 46301

Dear Vince:

Thank you for contacting my office with regard to the National Park Service's statement in the Federal Register on January 4th.

As per your conversation with my Legislative Assistant, Dr. Warren E. Stickle, the National Park Service confirmed its desire to maintain the 1 percent formula for leasebacks at all national parks, including Indiana Dunes. Recently the National Park Service has been under enormous pressure from the General Accounting Office(GAO) to raise the 1 percent.

I am drafting a letter to both the GAO and the NPS concerning this matter. I will also introduce legislation to mandate that the 1 percent leaseback be maintained and hope to gain support for this measure from other Members who have national parks in their districts.

It is my hope that the National Park Service, after serious study, will continue its present policy of 1 percent for a leaseback. The 1 percent paid by the homeowner does not include property taxes, home repairs, the loss of appreciation on the value of the house, loss of tax breaks due to a mortgage, and loss of all relocation benefits. In addition, the owner must pay his twenty-five year rent bill in advance. I think that it is only fair to keep it at 1 percent.

Again, thank you for contacting me on this important matter.

Sincerely yours,

Floyd

FLOYD FITHIAN
Your Congressman

FF/csf

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PRESS RELEASE

HOMEOWNER PROVISIONS INDIANA DUNES NATIONAL LAKESHORE S-2882

PL 89-761
11/05/66 This bill established the Lakeshore. Homeowner provisions, including an exemption from condemnation, were an important part of this law.

PL 94-549
10/18/76 Removed the exemption from condemnation.

S-599
3/08/79 Senators Bayh and Lugar intended to restore the exemption from condemnation when they authored S-599.

PL 96-612
12/28/80 Added Life Estates.
Did not restore exemption from condemnation.

S-2882
9/27/90 The 29 Year Plan gives present (ROU) reservation of use and occupancy owners a total of 29 years with a cap of September 30, 2010.

The 29 Year Plan is a major compromise that could resolve and finalize the homeowner issue by implementation of the following three modifications:

1. Add life estates for original owners.

2. Extend the one percent formula for original ROU's.

3. Extend present terms and conditions.

THE 2010 COMMITTEE George C. Bagnall 874-4036
P.O. BOX 487 Laurie Tanis 87-21080
BEVERLY SHORES, IN 46301-0487 Gail Saum 874-3742

AREA CODE 219

Sept 20.

Dear Senators Coates and Lugar,
Dear Chairman Bumpers,

Just a note to thank you for your kindness to 2 older people. I am hearing disabled, and if we can have an extension like many of our neighbors and other leaseback holders, we would be grateful.

My wife and I love the Park and we take good care of our home and care for our neighbors. For us to leave would be a great hardship. One more hardship to bare.

Please continue to help with the good legislation like the bill S2882 and the 29 Year Plan in this bill.

We both thank you, senator, with all our hearts. Please don't let us down.

Yours truly for
justice and fairness,
John Husarik (Bk.)
Central Ave. Beverly Shores

1125 Mesita Rd.
Pasadena, CA. 9110

Professor Emeritus
Management and Environmental
Sciences, University of California

Dear Senators,

On a recent visit to the West Beach area of the National Lake Shore Park in Indiana, I was distressed to hear about the Government's inconsistent policy in dealing with leasebacks for some of the current residents in that area. My special concern is that the summer cottage my parents built in 1932 would be destroyed as the result of a possible closeout of the existing lease to the current occupants. I respectfully submits that it is in the Park's best interest to maintain a stable "buffer" zone around the existing Park as the benefits derived would far outweigh the advantages gained by claiming a few more acres of land.

Sincerely yours
Kenneth W Gardner

CATHERINE FLYNN
82-2 East State Park Boundary Road
Chesterton, IN 46304
219/926-2413

Sept. 21, 1990

The Honorable Richard G. Lugar
United States Senate
308 Hart Senate Office Bldg.
Washington, D.C. 20210

Dear Senator Lugar:

I am writing to urge the passage of the Indiana Dunes Expansion Bill - Senate Bill 2882.

I am an original leaseback holder who took a lease for 25 years. In 4 years, this will expire. I am now retired and my income is reduced. Since those who took 20 year leasebacks were offered an additional 9 years, I feel that in fairness I should have 4 more years to equal the 29 years received by others. Since 1980 Life Estate was offered and should be an option for all.

Please do what you can to make fair conditions for all leasebackers: 29 years and Life Estate.

Sincerely,

Catherine Flynn

PS Those who took 25 years wanted to stay as long as possible in these lovely dunes.

George C Bagnall
100 Lake Front Drive
Beverly Shores, IN 46301-0526

219/874-4036

September 25, 1990

Senator Dale Bumpers,
Chairman, Subcommittee on Public Lands,
National Parks and Forests.
364 Dirksen Building
Washington DC 20510

Re: Testimony S-2882

Dear Senator Bumpers

In terms of National importance there is a great need for Congressional focus on the Savings and Loan debacle, the budget deficit and the Middle East crisis. This proposed legislation represents a further financial burden on the American taxpayer living in an economy that is slowing down.

In view of the national problems, I propose a compromise on the pending legislation to expand the Indiana Dunes National Lakeshore. This proposal, if adopted, would save the Federal Government over 20 Million Dollars in land acquisition costs. and at the same time the Government would receive over 2 Million Dollars for leaseback extensions.

	COMPROMISE	BENEFITS
1.	NIPSCO to donate Crescent Dune Beach to the Lakeshore. (See Congressman Visclosky's compromise editorialized 3/16 and 3/20/90)	:Estimated savings $10 Million.
2.	Resolve leaseback inequities	:Estimated income $2.2 Mill. for leaseback extensions.

3. Avoid Federal subsidy/tax loss	:Estimated savings $1.7 Mill
4. Eliminate the addition of 135 new leasebacks and 1279 acres	:Estimated savings of this acquisition $9.2 Million.
5. Develop a user-fee system for visitors to cover operating expenses in the Lakeshore	:Savings and Income to off set operating costs. :Improve management decision making. :Reduce the need for legislation.

===

S-2882 will not solve parking problems. The Park Service already has extensive land holdings within close proximity to the beaches where the need is greatest.

S-2882 will not correct the beach pollution that has drifted for as much as 1/2 mile on either side of Derby Ditch.

S-2882 will offer no greater protection to the wetlands, nor reduce pollution of Derby Ditch (see letter 7/9/90)

S-2882 will not improve access to the beaches or any existing facility now in the Lakeshore.

S-2882 will not avoid the necessity for a federal subsidy to compensate for cost of providing municipal services to the remaining leasebacks with reduced taxes (see letter 6/25/90).

Sincerely,

George C Bagnall
My home has been in the Lakeshore since its inception.

[illegible]
FRIDAY, MARCH 16, 1990

Crescent Dune

Compromise sounds palatable

As individuals, businesses and governments all become more environmentally conscious, competing needs such as economic development cannot be shunted out of consideration.

We cannot afford for environmentalism to be a zero-sum, winner-take-all game. Human beings have needs besides those for clean air and water and recreational opportunities in the outdoors.

They need homes to live in and ways to provide for themselves and their families. They must be able to put food on their tables and pay for necessities such as health care and education.

So when concerns are raised about preservation of the natural environment, they must be balanced against these other very real needs. The result, when things work well, is a compromise.

That is why we were encouraged yesterday to hear from Washington, D.C., that U.S. Rep. Peter Visclosky, D-Merrillville, who wants to expand the Indiana Dunes National Lakeshore, had reached a compromise with Northern Indiana Public Service Co. over the Crescent Dune issue.

The utility, which owns the Crescent Dune property east of Mt. Baldy, wants it developed into a large townhouse community. Environmentalists say Congress meant for Crescent Dune to be included in the National Lakeshore, but the Reagan administration stymied the purchase efforts.

Under the compromise between Visclosky and NIPSCO, the Crescent Dune beach, from the water line to the toe of the dune, would become part of the Lakeshore, and a parking lot would be built nearby.

This compromise would settle the issue of public access to the beach that has been raised by environmentalists such as Charlotte Read of the Save the Dunes Council.

In November, she said NIPSCO's promises of public access to the Crescent Dune beach were nothing more than verbiage.

If this compromise comes through, they will be much more than that. And Michigan City will still benefit from the development, which will bring jobs, housing and money to our town.

This compromise would indeed be a judicious way to balance conflicting needs.

EDITORIALS

Publisher: Joseph E. Mitchell
Managing editor: Robert Schumacher
Editorial page editor: Nathan Kennett

Opinions expressed in editorials are those of The News-Dispatch. The editorial board responsible for those opinions is made up of those listed above. Opinions and cartoons appearing elsewhere on this page express the opinions of the writers and cartoonists. Readers are encouraged to send their opinions to "anvil chorus."

FRIDAY, MARCH 30, 1990

Crescent Dune

Visclosky's switch regrettable

We still have trouble seeing what's so bad about the Northern Indiana Public Service Company's plans for residential development of the Crescent Dune area.

Though the dune actually no longer exists, there are thousands of people in the First Congressional District who are hellbent to save it. Their zealotry resulted in U.S. Rep. Peter Visclosky, D-Merrillville, withdrawing his support for a judicious land-use compromise with NIPSCO.

Under the compromise, which became part of Visclosky's bill to expand the Indiana Dunes National Lakeshore, NIPSCO would have kept most of Crescent Dune while donating the beach to the National Park Service. But Visclosky now has amended the bill to call for the purchase of Crescent Dune by the park service.

Crescent Dune, west of NIPSCO's Michigan City generating station and east of the Lakeshore's Mount Baldy, is within the boundaries of the park, but has never been acquired by the park service.

Environmentalists say Congress mandated the purchase of the 35-acre tract in a 1976 expansion of the Lakeshore. But that had to be accomplished within two years, the Justice Department says, and it was not.

Unless environmentalists are successful in getting a federal court decision in favor of resuming condemnation proceedings, Crescent Dune is rightfully the private property of NIPSCO.

That is, of course, barring enactment of Visclosky's bill — and an appropriation measure — into law. It seems clear that if NIPSCO is to be denied the right to use or dispose of the property as it sees fit, the government should act to buy the land — at a fair price — in a timely manner.

Meanwhile, though, we're still waiting to be convinced that there is a major environmental problem with the company's plans to sell the land to a developer who would build 214 townhouses.

Visclosky himself has said that sand mining in the 1920s and 30s has left Crescent Dune little more than elevated beachfront.

The compromise he originally reached would have allow the townhouses to be built in exchange for concessions fro NIPSCO: The actual beach would be made part of the par NIPSCO would guarantee perpetual public access to t beach, and the utility would construct a nearby parking l for Lakeshore visitors on land not presently in the park.

But when the bill was in the National Parks and Publ Lands Subcommittee, Rep. Jim McDermott, D-Wash. criticized setting the precedent of authorizing a housi development on the edge of a national park. And Visclosk was besieged with opposition to the compromise fro environmentalists.

Should the measure succeed in its current form, this ar would lose on many counts:

Our carpenters, electricians, masons, plumbers and oth skilled trades would lose the jobs resulting from 214 housi starts.

Our taxpayers would never realize the growth in assess valuation that this multi-million dollar development woul bring. That is assessed valuation that would be tapped to fun services including schools, libraries, and police and fi protection.

Our stores and restaurants would never realize the growt in their business that an influx of some 200 affluen households would cause.

Our boating and tourism industries would never receive th potential boost this development holds for them.

We understand that this is a difficult issue, and tha Visclosky is acting sincerely in conformance with what h sees as the political realities and the best interests of the are

But the National Lakeshore already preserves some 8,50 acres of land, and his original bill would have adde approximately 2,000 more acres.

We still think an attractive housing development, which could bring people into the area to enjoy it and perhaps sprea the word about it, would not betray any substantia environmental interests.

MONDAY, JULY 9, 1990

Expansion not a critical park issue

Dear editor: In the June 29th Anvil Chorus, Dorothy Potucek of Whiting writes that expansion of the Indiana Dunes National Lakeshore is a critical issue.

There are a great many important issues in the Lakeshore, and I would like to cite two, one of which I would classify as critical. Both issues have been around for many years, and there seems to be little or no attempt at solving either. Yet both are, I believe, readily solvable.

The first is the treatment of former homeowners who are now leaseback owners. Homeowners' rights in the Lakeshore were patterned after the Cape Cod National Seashore, which was created in 1961 (Public Law 87-126). Under the Cape Cod formula for homeowners' rights, an important provision was the exemption from condemnation, which continues to protect some 600 homes in Cape Cod today. The Indiana Dunes National Lakeshore no longer has exempt homes! That right was granted to homeowners in the Lakeshore in 1966 (Public Law 89-761) and removed by the 94th Congress in 1976 (Public Law 94-549).

During its 29 years of existence, Cape Cod National Seashore has had but one expansion bill (Public Law 95-6250). Passed in 1979, it added 13 acres and deleted 16 acres! This fourth expansion bill for the Indiana Dunes National Lakeshore will add many thousands of acres.

The second issue I wish to address is a concern for visitors to the Indiana Dunes National Lakeshore.

The National Park Service permits a polluted stream (Derby Ditch) to cross an important beach and flow into Lake Michigan. How do I know it is polluted? The Park Service has had a sign posted stating "Ditch closed due to high bacterial count."

What is the source? Is it natural or is it from septic systems? Is it from the old abandoned town garbage dump? How dangerous is this high bacterial count? Why has it been allowed to continue for so many years?

Ms. Potucek, living in Whiting, has no firsthand knowledge of what is a critical issue for the Indiana Dunes National Lakeshore. However, my home — the place where I live — has been in the Lakeshore for 24 years. In my opinion, the high bacterial count of Derby Ditch is a critical issue — not further expansion of a park that has unresolved problems within its current boundaries.

George Bagnall
Beverly Shores

ANVIL CHORUS

Letters welcome

Signed letters to Anvil Chorus are welcome. The address is The News-Dispatch, 121 W. Michigan Blvd., Michigan City, IN, 46360. Write in care of Anvil Chorus.

Include home and work telephone numbers where you can be reached for verification. Each letter must be signed with the writer's full first and last names and the town in which he or she lives.

We reserve the right to edit and shorten the letters.

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67 W. 900 S.
Kouts, IN 46347
219-766-3336

June 25, 1990

Senator Richard G. Lugar
306 SHOB
Washington, DC 20510-1401

Re: HR 3209
Indiana Dunes National Lakeshore

Dear Senator Lugar:

The projected loss of real estate taxes resulting from the elimination of reservation of use and occupancy (a.k.a leasebacks) properties on the present staggered termination basis will be two fold:

1. The real estate tax loss to the State, County, Townships and Towns in Porter County will amount to $1,743,840.00 for the 20 years from 1990-2010.

2. Since there is no logic to present termination dates, a home to be demolished this year may be next door to one that will not be demolished until 2010. The home that is demolished this year will no longer pay taxes, but the cost of garbage removal and snow plowing, will continue for the remaining home. The cost of fire and police protection may increase as the homes that are left become more isolated.

Someone will pay this additional tax burden!

With a uniform termination date for leasebacks the cost of services and payment of taxes would stop at the same time. There would be no additional tax burden to be shared nor would there be a need for a federal subsidy.

The writer of HR 3209 has recognized and solved the tax base problem. The 135 homes to be added to the Lakeshore in HR 3209 will all have a uniform termination date of 9/30/2010 (except for life estates). About 10% of the existing leasebacks presently have this uniform date.

In addition to the tax loss there will be a loss of $2,209,447.00 that would have been paid by leaseholders to the Federal government for their leaseback extensions.

As I see it this is win/win situation for both Porter County and the Federal government.

Thank you for your consideration of this important matter.

Sincerely,
BOARD OF COMMISSIONERS

William R. Carmichael
President

TOGETHER WE MAKE THE DIFFERENCE

8149 Kennedy Ave, Highland, Indiana 46322
(219)-923-1060 (312)-731-2846

NORTHWESTERN INDIANA
REGIONAL PLANNING COMMISSION

TESTIMONY OF THE NORTHWESTERN INDIANA REGIONAL PLANNING COMMISSION (NIRPC) TO THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS & FORESTS OF THE UNITED STATES SENATE ENERGY & NATURAL RESOURCES COMMITTEE ON THE INDIANA DUNES NATIONAL LAKESHORE ACCESS & ENHANCEMENT ACT, SUBMITTED SEPTEMBER 27, 1990, BY NIRPC CHAIRMAN, MAYOR DAVID BUTTERFIELD

The Northwestern Indiana Regional Planning Commission (NIRPC) is a multi-purpose areawide planning agency established in 1966 by the Indiana Legislature. NIRPC's planning area is comprised of Lake, Porter and LaPorte Counties which have a population of 720,000, contain 1,520 square miles, include forty municipalities and all of Indiana's forty-five mile Lake Michigan shoreline, and encompass the 14,000 acre Indiana Dunes National Lakeshore.

NIRPC operates as a cooperative of local governments within the three Indiana counties. Its thirty-five members represent city, town and county government and the governor. Two-thirds must be local elected officials.

In its mission statement, NIRPC identifies itself as an association of local governments possessing a shared commitment, interdependence, and the responsibility to serve as a catalyst to achieve the following:

- generating debate necessary to identify and resolve areawide problems;
- offering a forum through which elected officials plan and develop cooperative approaches to common issues;
- serving as a mechanism to develop a unified approach to entities of state and federal government;
- pursuing a partnership with the private sector to promote northwestern Indiana;
- providing the vision to create the opportunities which shape the future of northwestern Indiana.

As the mayor of Valparaiso, Indiana, a city of 24,000 located in central Porter County, it is my duty to represent my community in NIRPC matters and my honor to serve as its current chairman. On June 20, 1990, at a meeting of the NIRPC Executive Committee, I expressed my concern regarding conflicting information and the resulting confusion surrounding H.R. 3209, the Indiana Dunes National Lakeshore Access & Enhancement Act, which had recently passed the U.S. House of Representatives.

Sensing some similar concern from several of my colleagues, I decided to create a task force to study the bill. In a July 6th letter to prospective task force members I said:

> "In order to separate out any misinformation, discuss issues in a rational manner, and explore opportunities for protective mechanisms that could obviate the need for acquisition in certain areas, I used the prerogative of the chair to create a task force to study this bill, deliberate its several controversial elements, and strive to identify and develop consensus on any alternative proposals which could be submitted to Senators Lugar and Coats for possible inclusion in the Senate bill. In these objectives, I have the support and encouragement of both Senators and Congressmen Jontz and Visclosky."

The following NIRPC Commissioners, all elected officials in the three-county area, were invited to serve:

Sammie Maletta, Mayor, City of Portage
William R. Carmichael, Porter County Commissioner
Lu Radiger, Chesterton Town Council
Tom Esgate, Porter Town Councilman
E. Donald Bengel, P.E., Porter County Surveyor
Karen Hughes, Porter County Council
Robert Behler, Mayor, City of Michigan City
Elmo Gonzalez, Mayor, City of LaPorte
Michael Schultz, LaPorte County Councilman
Norman Pahs, LaPorte County Commissioner
Richard Comer, Deputy Mayor, City of Gary
Margaret Kuchta, Mayor, City of Hobart
Robert Crossk, Lake County Councilman
Carl Miller, Mayor, City of Lake Station
Rudy Clay, Lake County Commissioner

The NIRPC Task Force on the Indiana Dunes National Lakeshore Access & Enhancement Act met three times during the ensuing months. Each meeting had a distinct focus. On July 19th, the Task Force reviewed H.R. 3209 and speculated on what might happen in the U.S. Senate. On August 8th, the Task Force reviewed S.2882. Additionally, we were briefed by Al Hutchings, Chief, Division of Planning & Environmental Quality, Midwest Region of the National Park Service, who presented an excellent overview of NPS technical assistance programs and how they might function under the proposed legislation or in lieu of it.

By the time the third and last meeting approached, it was quite apparent that the primary issue of controversy and concern was the Salt Creek corridor and, to a lesser extent, the Little Calumet River corridor. Indeed, most of the participating Task Force members were elected officials from Porter County and virtually all of the citizens who closely followed our proceedings were affected property owners, primarily from Salt Creek.

Our final meeting of September 6th included a discussion by local planners representing political jurisdictions in the Salt Creek and Little Calumet River corridors. They dealt with land use, zoning, existing or proposed protection mechanisms, and existing or proposed public access sites or park lands. We also reviewed current federal, state and local wetland preservation programs, paying particular attention to the concept of a wetlands conservation overlay district, a protective mechanism that could be adopted on multi-jurisdictional basis.

Through all of these deliberations, we were ably and professionally assisted by Dale Engquist, Superintendent, Indiana Dunes National Lakeshore, who responded with efficiency and thoroughness to every request, offering maps, materials and other resources wherever appropriate. Two of our three meetings were held at the Bailly Ranger Station, located at the IDNL headquarters complex.

The Task Force maintained its information gathering and deliberative posture throughout all three meetings, and did not vote or develop any formal consensus on either bill or any elements of either bill. Nevertheless, Task Force participants can be clearly characterized as favoring protection of the river corridors. There was, however, disagreement and some ambivalence relative to how the river corridors' natural resources could best be protected. On one side, Porter County Commissioner William Carmichael voiced the Board of County Commissioners' official position: "no more acquisition; no more land removed from the tax rolls." Conversely, Thomas Esgate, Councilman, Town of Porter, advised that the town of Porter favored outright acquisition of the Little Calumet River corridor. He noted that the Town welcomed NPS financial assistance in maintaining and preserving the corridor and enhancing its recreational potential.

It is my feeling that, in the final analysis, Task Force members favored the language regarding the Salt Creek and Little Calumet River corridors as presented in S. 2882. To some, it represented the lesser of two objectionable alternatives. To others, it represented an acceptable means for maintaining local control. However, I believe local units of government should be given the opportunity to provide protection for the corridors before either is formally studied. If successful, a local effort protecting the corridors at no cost (either administrative or acquisition) to the National Park Service could set a precedent for efforts elsewhere.

Certainly, we are all interested in reducing federal costs in this time of record deficits. Perhaps a period of one or two years would be adequate to determine if local protection efforts are successful. If not successful, then a study mapping options to achieve protection could be pursued, with even acquisition considered. This should place sufficient incentive and pressure on local governmental officials and property owners to produce a workable and effective protection system.

In fact, our Task Force, with the addition of landowners, conservation organizations, state and federal agencies, could serve as a broad based committee representative of many interests which could collaborate with the NPS in the development, implementation and monitoring of a conservation strategy for the river corridors.

In closing, and on behalf of NIRPC, my colleagues in elected office who share my pride that northwest Indiana is home to the beautiful and unique Indiana Dunes National Lakeshore, I wish to extend my warm appreciation and gratitude to Senators Lugar and Coats, Congressmen Visclosky and Jontz, and their fine staffs, for their efforts to develop a workable solution to protect, preserve and improve our precious natural resources.

Multinational Business Services, Inc.
11 Dupont Circle
Washington, D. C. 20036
U. S. A. (202) 293-5886

Regulatory and Trade
Counsellors

September 27, 1990

The Honorable Dale Bumpers
Chairman, Subcommittee on Public Lands,
National Parks and Forests
Dirksen Senate Office Building SD-229
Washington, D.C. 20510-0401

Dear Mr. Chairman:

I am writing on behalf of my client, the Northern Indiana Public Service Company (NIPSCO), in regard to Senate Bill 2882 which was the subject of a hearing before the Subcommittee yesterday.

Your questions to National Park Service Director Ridenour and Senator Coats raised a number of important issues respecting the proposed authorization to acquire the Crescent Dune Parcel at the Indiana Dunes National Lakeshore. As you are aware, NIPSCO does not object to NPS' acquisition as long as the purchase is authorized and funds are appropriated for FY 1991 to provide just and equitable compensation for the property. Among the key points which result in our concern are the following:

- **The National Park Service (NPS) indicates this parcel is the lowest priority area for acquisition in its land protection plan for the park. Further, NPS indicates that the Crescent Dune parcel is not even of sufficient priority to be included on the NPS national land acquisition priority list for future acquisition.** Thus, we are advised that even if the Congress authorized acquisition of the parcel, it is unlikely that an appropriation of approximately $10 million would be supported by the NPS or forthcoming as a part of the Congress' add-ons in the FY 1991 NPS Land Acquisition budget.

The Multinational Companies

Multinational Business Services	Tokyo (03) 423-1851 · Hamburg (40) 220-4277
Multinational Legal Services	11 Dupont Circle Washington, D. C. (202) 797-7124
Multinational Investment Services	11 Dupont Circle Washington, D. C. (202) 797-6353

- **There is a wide gap between the value of the land to NIPSCO (preliminarily valued at approximately $10 million) and the marginal value of the land to the NPS.** NPS' criteria suggests a probable appraised level of $4 million, or only 40% of the value of the property to NIPSCO.

- **The House Appropriation's Subcommittee for Interior and Related Agencies has appropriated only a total of $6 million for acquisition of Crescent Dune and various other properties.** This reinforces our doubts as to whether the full House and Senate will appropriate the approximately $10 million for Crescent Dune. The Senate Subcommittee has not yet marked up Interior appropriations and we are unaware of their intent. Further, the authorization bill before your Committee would require appropriations of nearly $17 million and you expressed some concern as to whether funding would be forthcoming even though you believe the parcel is worthy of inclusion in the National Park System. Hence, authorization of the Crescent Dune parcel could result in a deadlock similar to the original authorization which has now expired and could fail to meet the principle condition we have set forth--just and equitable compensation for our property in FY 1991.

- **Both NPS' statutory appraisal criteria and current FY 1991 appropriation levels strongly suggest that NIPSCO will not be offered fair compensation for the tract. Further, without specific Congressional direction, the authorization could end up triggering a condemnation action by the NPS resulting in protracted and expensive litigation to determine equitable compensation for the parcel.** This concern is bolstered by the fact that the eventual awards from such proceedings average some 56% above the original NPS appraisals. It also typically takes years before full payment is made for parcels via appropriations even in the absence of litigation. Thus, we are concerned that the Committee should not provide authorization if NIPSCO will only obtain fair compensation through protracted and costly litigation. This approach would serve neither NIPSCO's interests nor the interests of the NPS.

In light of the concerns outlined above, we recommend and request that Committee pursue the following alternatives:

- If, in your discussions with members of the Appropriations Committee, it becomes clear that an appropriation of approximately $10 million for purchase of the Crescent Dune parcel is not forthcoming due to the budgetary and deficit related issues consuming the nation, do not authorize the acquisition of the Crescent Dune parcel.

- If the Appropriations Committee accords a high priority to this parcel and marks up the budget to add approximately $10 million to the President's budget, the Appropriation's Committee rules governing "over appraisal" requests should be waived so that a condemnation action would be unnecessary and the company could be compensated for the property in FY 1991.

- If adequate appropriations do not appear to be forthcoming, the Committee should authorize **only the acquisition of the beach property**. This is the only part of the parcel considered to be of priority recreational value by the NPS. **NIPSCO is prepared to donate this area to the NPS. However, the balance of the parcel should not be authorized.**

Thank you for your attention to this important matter.

Sincerely,

Michael J. O'Bannon

cc: Congressman Bruce Vento
Congressman Sidney Yates
Senator Robert Byrd
Secretary Manuel Lujan
Mr. James Ridenour, Director, National Park Service

Northern Indiana Public Service Company
5265 Hohman Avenue • Hammond, Indiana 46320-1775 • (219) 853-5200
A subsidiary of NIPSCO Industries, Inc.

GARY L. NEALE
PRESIDENT
CHIEF OPERATING OFFICER

September 28, 1990

The Honorable Dale Bumpers
Chairman, Subcommittee on Public Lands
National Parks and Forests
Dirksen Senate Office Building SD-229
Washington, D. C. 20510-0401

Dear Senator Bumpers:

This letter is pursuant to Senate Bill 2882 which was the subject of hearings before your Subcommittee on Public Lands, National Parks and Forests.

I understand that during the testimony given by Director Ridenour of the National Park Service and by Senator Coats, you raised several issues associated with the potential reauthorization of the Crescent Dune parcel in the Indiana Dunes National Lakeshore.

NIPSCO has been unable to realize the value of its Crescent Dune property since it was conditionally taken by the Congress in 1976. Many in Congress have wanted the parcel, but the money has never been appropriated. We believe it is time to end this process. It was to achieve that goal that we worked hard with Congressman Visclosky on an agreement whereby NIPSCO would donate the beach, which is the most important and environmentally sensitive piece of this parcel, to the National Park Service, in return for the ability to develop the remainder of the land. Such an agreement with the government would have been the most cost effective and environmentally sound practical way to resolve this issue given the realities of the federal budget. If an acceptable solution cannot be found in the legislative process, we still are prepared to consider such an agreement.

As was indicated by Senator Coats, NIPSCO does not object to the sale of Crescent Dune to the government. As we have stated on many occasions, NIPSCO is only concerned about fair and timely compensation for the Crescent Dune parcel. Your question as to the value of the parcel is very relevant to this concern. The pro formas prepared by our real estate advisor, North American Realty Advisory Services, indicates the entire Crescent Dune parcel to be valued at approximately $10 million. The National Park Land Acquisition staff is aware of that estimate. However, we are advised that due to the procedures and criteria which the National Park Service is required to follow, their estimate prior to a formal appraisal can be expected to be approximately $4 million, or 60% less than the value our real estate advisors assign to the parcel.

I believe our company should not be placed in the position of having to go through timely and costly condemnation proceedings because of the significant difference in the value placed on the parcel by the government and the company. It is my understanding that actual awards following the conclusion of a condemnation proceeding are generally 56% higher than original Park Service appraisals. Thus, if the committee believes that the appropriations are forthcoming, we request that the over appraisal criteria limiting the National Park Service's authority to seek fair compensation based upon the numbers be waived as a part of the committee's action.

My concern with the appropriation is made more acute given the need for significant reductions in the government's discretionary expenditures. The House Committee on Appropriations for Interior recommended a total of $6 million for the acquisition of both the Crescent Dune parcel and other private properties. That is far below what it will cost to purchase the Crescent Dune and the other properties proposed in the authorization bill before your Committee. If it becomes apparent that the budget deficit situation will not allow for the appropriate level of compensation in FY 1991, it is our hope that no authorization occurs for this parcel until an adequate appropriation is assured.

Finally, Director Redenour indicated in his testimony that future acquisitions would have to be based upon the National Priority List and the Park's Land Protection Plan. It is my understanding that the Crescent Dune parcel is the last priority area for acquisition in the Land Protection Plan for the Park itself, and further, does not even appear on the National Priority List for future acquisition. Thus it is unlikely that the National Park Service will seek to acquire this parcel in FY 1991. If that is indeed the case, the Committee should recognize that reality and deny the request for authorization of this parcel.

As I indicated above, NIPSCO has not objected to the sale of the Crescent Dune property to the Government. We are, however, concerned that any taking by the Government be accompanied by fair and timely compensation. If such compensation is not realistic, we should recognize that situation now and work together to find an alternative solution.

Sincerely,

Save the Dunes Council
Established 1952
444 Barker Road, Michigan City, IN 46360 Phone: (219) 879-3937

October 4, 1990

The Honorable Dale Bumpers, Chairman
Subcommittee on Public Lands, National Parks
and Forests
Dirksen Senate Office Building SD-229
Washington, D.C. 20510-0401

Dear Senator Bumpers:

On behalf of the Save the Dunes Council, thank you for scheduling and holding a subcommittee hearing on S. 2882, the Indiana Dunes National Lakeshore Access and Enhancement Act proposed by Indiana Senators Richard Lugar and Dan Coats. We look forward to favorable committee action, prompt Senate passage followed by House concurrence, so that important dunes and wetland areas can be added to the Lakeshore boundaries this year.

The purpose of this letter is to underscore the importance the Dunes Council places on public ownership of Crescent Dune. I am aware that the cost of acquiring this valuable natural resource was discussed during the September 27 hearing.

Both S. 2882 as introduced and H.R. 3209 as passed resolve the problems that have stood in the way of federal acquisition of Crescent Dune, allowing the fulfillment of the promise made by Congress 14 years ago that this this unique natural area would become part of the park in fact.

To summarize the Crescent Dune story, this 35-acre tract of lakefront and high dunes was included within Lakeshore boundaries in 1976. Special language was added during consideration by the Senate which limited the price the National Park Service could pay, and set a time limit for acquisition. The special language was to assure speedy acquisition of the parcel. In practice just the opposite occurred. The specific language and Senator Bayh's description are attached. The National Park Service placed the tract in condemnation late in 1978, when it was unable to reach agreement with owner Northern Indiana Public Service Company [NIPSCO) over price.

It became apparent to the Dunes Council in 1982 that the National Park Service and Northern Indiana Public Service company (NIPSCO) were planning to dismiss the condemnation case filed in 1978, S 16584 CONGRESSIONAL RECORD — SENATE *September 24, 1976*

"Sec. 13. The Secretary shall acquire the area on the map referred to in the first section of this Act as area III–B within two years from the effective date of this section only if such area can be acquired for not more than $800,000, exclusive of administrative costs of acquisition, as adjusted by the Consumer Price Index: *Provided*, That the Secretary may not acquire such area by any means after two years from the effective date of this section.

S 16578 CONGRESSIONAL RECORD — SENATE *September 24, 1976*

AREA III–B: CRESCENT DUNE

This 30-acre area is adjacent to the far eastern tip of the existing national lakeshore and is needed to provide land for the migration of nearby Mount Baldy. New section 13 of the Hartke-Bayh amendment places an $800,000, plus administrative expenses, cost acquisition ceiling on this area. The adjustment to that ceiling by the Consumer Price Index is intended to be calculated from the date of enactment of expansion legislation to the date of acquisition.

Given the degradation of area III–B threatened by the present utility owner, new section 13 also directs the Secretary to acquire this area within 2 years. It is the intent of the Senators from Indiana that the Secretary place a high priority on acquisition of this valuable pristine area, and the proviso at the end of new section 13 is not intended to prohibit acquisition if the Secretary has commenced condemnation proceedings within the designated 2 years but the actual transfer of title has been delayed beyond the 2 years by opposition to Federal acquisition from the present utility or then existing owner.

thereby foreclosing federal acquisition. By initiating a series of legal actions,we tried to accomplish the intent of Congress through the courts even as the National Park Service and NIPSCO were working for the opposite goal. Our legal actions came to an end in April, when the 7th Circuit Court of Appeals ruled against us, noting that:
"While we sympathize with the Council's aim to enlarge the Indiana Dunes National Lakeshore by adding area III-B [Crescent Dune], its remedy is to seek an amendment to [the statute]. We are not empowered to effectuate that relief."

In the past 14 years, it is the Dunes Council's opinion that Crescent Dune owner Northern Indiana Public Service Company actively opposed acquisition with the same vigor that they originally opposed inclusion of the property in the Lakeshore boundaries. We must point out that despite NIPSCO's expressed concerns about realizing the value of Crescent Dune, to my knowledge these never resulted in asking Congress to change the language and remove the limitations, despite the fact that legislation affecting the Indiana Dunes was enacted in both 1980 and 1986. 1986 legislation also included NIPSCO property other than Crescent Dune.

The Dunes Council acknowledges that the fair market value of Crescent Dune has undoubtedly increased in 14 years. A part of that increase is due to the public investment in and public appreciation for the Indiana Dunes National Lakeshore itself. We believe that allowing Crescent Dune to be developed for private gain, which will be its future if this legislation fails, goes back on a commitment to the public the Congress made 14 years ago.

A compromise proposed during consideration of H.R. 3209 to allow NIPSCO to develop over 200 townhouses while making some small concessions to public use met with widespread public opposition. The clear public message was all of Crescent Dune for the public. A petition in support of actual purchase of Crescent Dune produced over 7000 signatures. A copy of the petition is enclosed, along with artists' renderings of the townhouse proposal.

The Dunes Council has been able to discuss purchase of Crescent Dune more forthrightly with current NIPSCO management, especially President Gary Neale. We have assured him that we would work with the company, the Congress, and work to secure the assistance--if necessary -- of private groups such as The Nature Conservancy or Trust for Public Lands--to help NIPSCO obtain fair market value for this valuable duneland. Congressman Visclosky also pledged to assist the utility by seeking adequate funding.

At present all statements about the cost of acquiring Crescent Dune are just guesses. The Council's guess is as good as NIPSCO's, and is far lower. The question will be settled when an up-to-date appraisal of fair market value by a qualified appraiser has been produced. While there may be concern over the cost of acquiring Crescent Dune, whatever that may be, the long-term cost to the public of losing Crescent Dune is incalculable. In the Council's view, the public interest must prevail.

Sincerely,
Thomas C. Serynek
Thomas C. Serynek, President
SAVE THE DUNES COUNCIL INC.

TO THE CONGRESS OF THE UNITED STATES BY
CONCERNED CITIZENS TO SAVE CRESCENT DUNE

Total - 8,124 signatures

WE THE UNDERSIGNED CITIZENS OF THE UNITED STATES REQUEST YOUR HELP TO PURCHASE CRESCENT DUNE, A 31 ACRE NATURAL AREA ADJACENT TO MT. BALDY AND WITHIN THE 1976 CONGRESSIONALLY AUTHORIZED BOUNDARY OF THE INDIANA DUNES NATIONAL LAKESHORE. THIS DUNE IS TARGETED FOR PRIVATE RESIDENTIAL AND COMMERCIAL DEVELOPMENT BY NIPSCO, THE CURRENT OWNER. WE SUPPORT THE PURCHASE OF THIS UNIQUE DUNE FOR THE ENJOYMENT OF THE PEOPLE OF THE UNITED STATES OF AMERICA.

Name Address City & State

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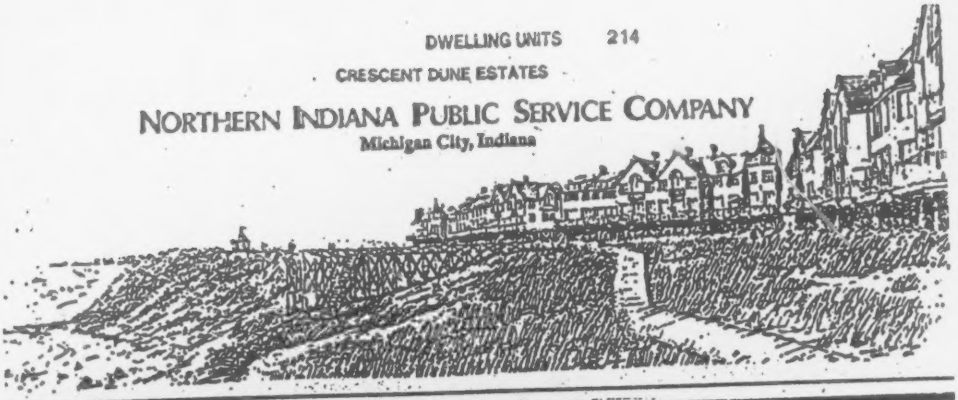
RETURN PETITIONS TO: CONCERNED CITIZENS TO SAVE CRESCENT DUNE
444 BARKER ROAD
MICHIGAN CITY, IN 46360
(219) 879-3937



DWELLING UNITS 214

CRESCENT DUNE ESTATES

NORTHERN INDIANA PUBLIC SERVICE COMPANY

Michigan City, Indiana

The Izaak Walton League of America
INCORPORATED
DEFENDERS OF AIR, WATER, SOIL, WOODS AND WILDLIFE
Indiana Division

STATEMENT

INDIANA DIVISION, IZAAK WALTON LEAGUE OF AMERICA

TO: U. S. Senate
Subcommittee on Public Lands, National Parks, and Forests

FROM: Herbert P. Read
70 E. State Park Boundary Road, Chesterton, IN 46304
Indiana Division, Izaak Walton League of America

RE: S 2882
Proposed additions to the Indiana Dunes National Lakeshore

Mr. Chairman and members of the Committee:

The Izaak Walton League of America (IWLA) is a national conservation organization, founded in 1922 by a group of outdoorsmen of varied interests, but with one common objective: To call a halt to the environmental degradation of our natural areas and to promote wise stewardship of our land, air and water. To this end, the league has been in the forefront of efforts to fight pollution and establish National Parks, Wilderness areas and other public lands for the benefit of all the people.

The League has been on record since 1952 in favor of saving the Indiana Dunes. A representative of the IWLA has testified at every public hearing in favor of establishing the Indiana Dunes National Lakeshore since the first bill was introduced by Senator Paul Douglas in 1958. I am past president of the Porter County Chapter of the IWLA, and in that capacity, I testified at the first U. S. Senate hearings on Senator Douglas's bill (S.1001) in May of 1959. It took until 1966 to get the National Lakeshore authorized. Many of our members live in the National Lakeshore, including myself. We have witnessed the destruction of unspoiled dunelands by their private owners. Therefore, we do not believe the claim by park opponents that the land will be preserved by leaving it in private ownership.

We are fortunate that Congressional action enlarged the park several times. But now, time is running out. We are literally in a race against the bulldozer in a desperate effort to preserve the last few remaining dune and wetland areas. Within the next few years, every buildable lot (and some unbuildable lots) will be developed. In the strongest possible terms, I want to emphasize the urgency of the situation.

On November 16, 1989, the IWLA testified in favor of HR 3209, sponsored by Rep. Peter Visclosky. We have been advised that time will not permit direct testimony at this hearing, but we request that this statement be made a part of the hearing record. Attached to this statement is a summary of our Indiana Division's position relating to the differences between HR 3209 and S 2882. Basically, we urge that the land acquisition areas included in both bills be combined.

We have prepared more detailed comments on various areas of each bill. The fact that more space is devoted to certain areas does not mean that we regard the other areas to be less important. Each is important for different reasons, but local controversy has revolved around certain areas, which thereby requires more response on our part.

Little Calumet River (VIII-A) and Salt Creek (VIII-B)

Preservation of the Little Calumet River and Salt Creek valleys is a high priority with the IWLA. We supported bills introduced in the early 1970's to incorporate these river valleys into the Indiana Dunes National Lakeshore. We have submitted numerous photographs of these river valleys to Senators Lugar and Coats, and have requested that they be made available to the Committee as part of the hearing record. I am the photographer, and I am prepared to pinpoint each photograph on the map of the rivers which accompanies HR 3209 and to provide whatever supplementary information the Committee desires.

At present, 7.6 miles of the Little Calumet River and one mile of Salt Creek are included in the park boundaries. Of the total 8.6 miles now in the park, 5.7 miles are included under conditions similar to what is proposed in HR 3209, in which the waterway, bottomland and adjacent slopes are bordered by private lands used for residential or other purposes. Therefore, the precedent exists, and as far as we know, no problems have developed.

Both HR 3209 and S 2882 seek preservation of these river valleys, but we firmly believe that only HR 3209 would assure permanent, legally enforceable preservation and provide reasonable public access and low impact use, such as canoeing, which must be assured over the full length of the river systems. Fishing access should be made available at appropriate locations. In fact, state law mandates public access for streams which are stocked using state funds. There must also be some riverbank hiking trails, similar to the trail along a portion of the Little Calument River which is now in the National Lakeshore. The trails need not be for the full length of the rivers and should be located on banks which are normally dry enough for such use.

Both HR 3209 and S 2882 authorize a National Park Service Study. But HR 3209 includes a map which clarifies the scope of the study. Most important, the stated objectives would be assured and the land protection plan would provide several options including easement and/or purchase by the National Park Service.

As a part of the Indiana Dunes National Lakeshore, the river valleys would receive the highest level of legal protection as stated in Section 6 of the National Lakeshore Act. Not even acquisition by local park authorities would assure a high level of preservation since none of the local parks have preservation as their primary objective. HR 3209 would also assure unified management, whereas management by five different local jurisdictions could be conflicting. The wording of HR 3209 also is flexible enough to omit existing local parks as well as existing residences and farm fields.

On the other hand, S 2882, while laudable in its objective, provides only for a study and leaves the resolution to the uncertain future. Insofar as studies go, the wording provided in S 2882 appears to be comprehensive and balanced. The Senators and their staffs have obviously given much thought to the problem. However, we fear that if only a study is authorized, we will find ourselves, two years from now, in exactly the same situation. Meanwhile, additional development along the river banks will have occurred, to say nothing about rising land acquisition costs.

Furthermore, our experiences with "studies only" have not led anywhere. For example, in 1980, a National Park Service study strongly recommended that the entire remaining 700 acres of the town of Beverly Shores be included within the National Lakeshore. This area is about one third wetlands and the remainder in dunes. Yet, here we are, 10 years later and the only acquisition being considered is about 80 acres of the wetlands. Meanwhile, bulldozing of the dunes continues at an alarming pace.

While alternatives to NPS acquisition is a legitimate area of investigation, we are thoroughly familiar with the local options. We have concluded that no viable option has been proposed to date. The anti-park group has rejected everything except their own assertion that they will voluntarily preserve the wetlands.

In an attempt to avoid the study of S 2882, the anti-park persons along the rivers are claiming that they will agree to a restrictive covenant. We have been through all this before. In the 1970's, a bill to expand the National Lakeshore included the river corridors. The same sort of opposition developed and the rivers were omitted from the proposed legislation under the assumption that a private protection plan would be forthcoming.

Then, as now, the anti-park people formed a private "protective" association and promised to sign agreements to preserve the river valleys. But as soon as the expansion bills omitted the river valleys, the protective agreements quietly faded away. The same concept is being resurrected today, but this time we will not accept this purely diversionary tactic.

The river valleys and the federal interest

Questions have been raised relating to the "federal" interest in the river valleys. The most obvious answer is that both rivers flow through the National Lakeshore and discharge their waters into Lake Michigan and onto the beaches of the National Lakeshore. Also the wildlife of the National Lakeshore roam and forage along the entire river system and not just the portions of the rivers now within the National Lakeshore. Of particular interest are fish migration and spawning grounds which are now outside of park boundaries. The Great Blue Heron rookery is within the park, but the birds use the whole river system for feeding. If the river wetlands were destroyed, the vegetation removed and the watercourse straightened, thereby reducing the environmental diversity, the existing Great Blue Heron population would decline even if the nests are protected. The river bottomlands are also teeming with deer and smaller mammals with presently unhindered migration between park and non-park areas. Therefore, another obvious park benefit would be to join the Great Blue Heron unit with the main body of the park along the Little Calumet River valley.

Geologically speaking, the river valleys were formed by the trapped melt waters of the glacier which created the Lake Michigan Basin some 16,000 years ago. The melt waters stabilized at several different levels, creating dunes and interdunal wetlands on the north slope of the Valparaiso Moraine. The Little Calumet River was a large body of water that geologists named the "Chesterton Embayment," and which is now the river and bottomland between clearly defined, heavily wooded slopes. Salt Creek runs perpendicular to the Valparaiso Moraine and provides a "cross-section" view of the moraine and the dunes deposited upon the clay underlayment. Nowhere else on Lake Michigan is this so clearly demonstrated.

The federal interest is also served if the river valley bottomlands are preserved for flood control purposes. The land between the valley slopes serves as temporary upstream impoundments and absorbtion fields for storm water, thus moderating the downstream effect. In adjacent Lake County, excessive development of the Little Calumet River has produced severe flood damage. After many years of study, a federally funded flood control project has been authorized at a cost of $66,836,000. The plan includes a belated, but welcome, attempt to preserve the remaining flood plain and to also use the river for recreational purposes. In Porter County, we have the opportunity to avoid previous mistakes and to show that prevention is less expensive than a cure.

Existing laws

We have reviewed existing laws and have found nothing which will achieve the objectives of HR 3209 and S 2882. Some degree of protection is provided under Section 404 of the Clean Water Act. However, this section addresses only the wetlands and does nothing to prevent development of bottomland which may not have wetland classification, nor any protection for the adjacent wooded slopes. Furthermore, the wetlands can be drained, which is an avowed objective of the Porter County Drainage Board. It is a "permit" law, rather than a "preservation" law.

There is a state law, a county ordinance, and four local ordinances which regulate, but do not prohibit, certain forms of development within the river valleys. The regulations do not protect the whole breadth of the river valley, and address only the limited area of the floodway.

As with federal law, the ordinance is a permit program which not only permits development, but encourages it by recommending ways to qualify for construction permits. One such inducement is the statement in the ordinance which notes that by depositing fill in the river valley, a structure can qualify for a permit if the lowest floor is at least 2 feet above the theoretical, calculated future flood water level. We know of several locations where fill has been thus used. This procedure is legal, but is contrary to preservation of the river valley. There are a wide range of uses permitted "by right" or by "special exception." Among these are airports, railroads, roads, truck freight terminals, race tracks, complete subdivisions and mineral extraction. A variance may be issued if: "The strict application of the terms of this ordinance will constitute an exceptional hardship on the applicant." Additionally, there is no prohibition against tree cutting on the slopes or bottomland nor to prevent bulldozing the natural contours even if no building permit is contemplated. If these legal property rights are implemented by the property owners, the river valleys will present a drastically different picture some years hence. It is only a matter of time. Already we have seen thousands of acres of Porter County dunes, forests and farmlands transformed into factories, homes and shopping centers.

Since the open spaces around Chicago and Gary have filled up, Porter County is on the verge of an even greater building boom. One would have to be incredibly naive to think that the river valleys would escape development. Despite the protections of home owners along the river, vast tracts of river front property are being offered for sale, with roadside signs prominently displayed. One such area is zoned commercial and abuts one of the most important wetlands along the Little Calumet River. Across the road is a large shopping center. We have but a year or two to put a preservation plan into place.

Overall, the two river valleys are still relatively unspoiled. Portions of the original watercourse were channelized many years ago. However, the passage of time has created a natural appearance and the old "ox-bows" of the original channel can be seen. The original contours of the adjacent heavily wooded slopes remain undisturbed for the most part. There are places where dumping has occurred, but has not yet reached alarming proportions. Therefore, very little in the way of federal expenditures would be necessary to meet National Lakeshore purposes. But, the longer we wait, the higher the cost and the greater the possibility of losing the opportunity to prevent the mistakes of the past.

Highway 49 "Greenway" (I-M) See Attached Map

The Porter County Chapter of the IWLA owns 6.57 acres (Parcel #24) of dunes, and wetlands within area I-M. The Chapter bought the land several years ago to prevent the construction of a motel. An unspoiled, tree covered dune is located in I-M (see map). The north half of the dune is in the existing National Lakeshore. The southwest quarter is now owned by the Porter County Chapter and the southeast quarter is a platted, but undeveloped and vacant, subdivision. Obviously, if the south portion of the dune is leveled, the north half, now owned by the NPS, will also be destroyed. This area also flanks State Highway #49, which is the most heavily used approach to both the Indiana Dunes National Lakeshore and the Indiana Dunes State park. Most of the area is vacant and heavily wooded. There are six homeowners (7 houses - two on one lot) included.

One homeowner (Parcel #28) wants to be included in the Park and the absentee owner of Parcel #27 is willing to sell. The subdivision lots are also for sale. However the owner of lots #25 and #26 has applied for re-zoning to permit a clinic and 100 unit motel, a development which would seriously impact the existing scenic approach to the parks. It is therefore imperative to add area I-M to the National Lakeshore. We have provided photographs of I-M to the Committee. We have also supplied photographs of existing highway development along U. S. 20 about one mile east of I-M, which illustrates the type of future we hope to avoid for State Route #49.

Beverly Shores Wetlands (III-G)
As noted earlier, S. 2882 would add about 80 acres of wetlands in the Town of Beverly Shores. We fully support this inclusion. However, the 80 acres is only about half of the Beverly Shores wetlands still outside of the park. What then, happens to the remining wetlands? The town has adopted an ordinance intended to prevent development, but it has yet to be legally tested and upheld. Therefore, we propose utilizing the wetlands study of HR 3209 to seek ways to achieve a permanent, legally enforceable ban on wetland development.

Campgrounds addition (II-M)
The area presently slated for a campground is partially a lowland and is wet much of the year. Area II-M would provide needed space which is high and dry. In addition, area II-M is a part of the "Glenwood" stage of dune ridges built up during the era of glacial meltwater. This ancient dune (or beach line) is the oldest, the farthest inland, and the least protected of the various glacial area shorelines of the Valparaiso Moraine. For these reasons, II-M should be added to the Park. We have no objection if two existing residences at the eastern edge are omitted.

Porter Beach (II-L)
This addition would provide needed beach and back-up area to replace what is now a "walking" easement. The NPS has received reports that the current private owner of II-L has posted guards to prevent or discourage passage along the shoreline. Inclusion of II-L would end this source of potentially serious conflict over beach use.

NIPSCO (II-A)
We have long given top priority to this addition. The existing park boundary cuts through dunes and wetlands, which doesn't make sense. NIPSCO originally opposed this inclusion supposedly because it was "needed" as a buffer zone for a now-cancelled nuclear power plant. Obviously, this reason is no longer valid and the dunes and wetlands in II-A should be promptly brought under NPS protection. We have submitted photos of II-A at previous hearings, but we are prepared to submit them again, if needed.

NIPSCO (Crescent Dune)
This area was authorized in 1976, but due to limitations in the original bill, acquisition has been stalled. Both HR 3209 and S. 2882 would remove the troublesome wording and permit prompt NPS acquisition.

Furnessville

This is included in HR 3209, but not S. 2882. While we did not originally request this addition, we believe that in the long run, it is a mistake to leave it out. The area is along U. S. 20 and is zoned mostly commercial. It is only a matter of time before this will become a fully commercialized strip, probably of the larger chains and "fast foods." Then, future citizens will criticize us for not having the "foresight" to prevent it, "back in 1990."

Other Areas

Since other areas seem to be less controversial, we will not comment extensively on them. However, as noted in the attached summary, we fully support inclusion of all remaining areas of S 2882 and HR 3209.

Homeowners' Provision

The Indiana Division of the IWLA re-affirmed their opposition to changing lease-back provisions and extending all, or some of them, for additional years. However, as we stated at the House hearings on HR 3209, we support the provisions in existing law for a Special Use Permit (SUP) to permit elderly persons and other hardship cases to continued occupancy on a renewable, annual basis.

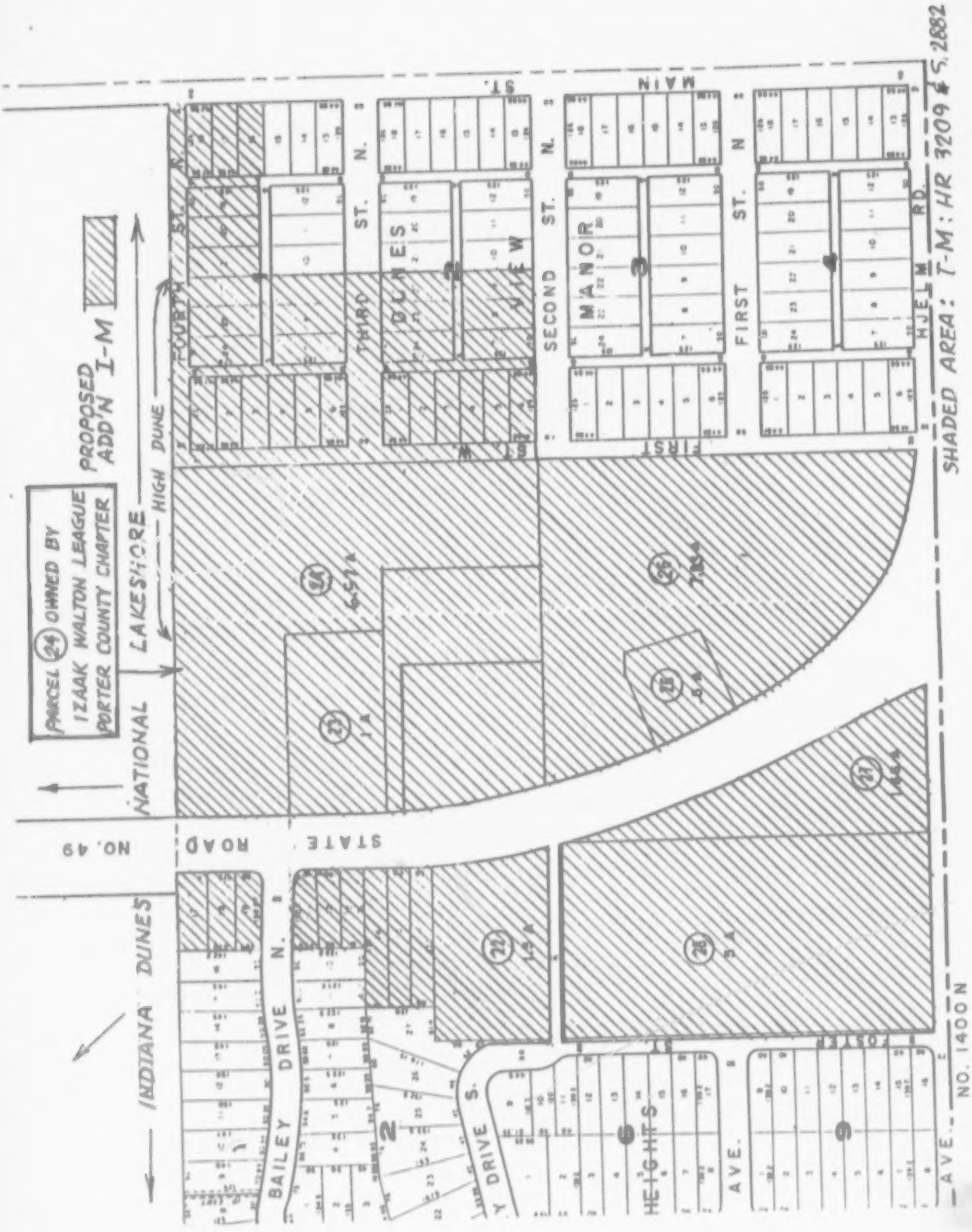
Comments on the anti-park views

As a long time activist in environmental advocacy, I have been opposed by steel companies, utilities and the Army Engineers. There are legitimate concerns on both sides of any issue, which I am prepared to debate. On occasion, my previous opponents have "shaved" the truth, and I am conditioned to expect this. But in all my years of experience, I have never witnessed the viciousness, misrepresentations, lies and personal attacks mounted by the current crop of park opponents identified as S.T.O.P. Their statements have been so wild and irresponsible that the NPS and Rep. Visclosky have undertaken the unprecedented step of preparing a "Facts and Fiction" rebuttal. This, along with other printed false and misleading statements by park opponents have been made available to Senator Lugar and Senator Coats, and we are prepared to make them available to the Committee. The anti-park faction claims 16,000 signatures on their petitions against park expansion. I urge the committee to regard signatures obtained under such circumstances to be of dubious value. To persons not familiar with our local situation, their claims may not seem as outrageous as they are to us. So we can only offer to address any concerns that the Committee may have as best we can. Establishment of the Indiana Dunes National Lakeshore was a long and acrimonious effort and adding areas has not been easy either. However, beyond the opposition of some, (not all), of the local landowners, there is widespread support for preserving the Indiana Dunes and adding what few remaining areas there are left to the National Lakeshore.

We invite the Committee to ask us to explain and elaborate on any of the issues at hand.

Submitted for the Indiana Division, IWLA

Herbert P. Read


PARCEL 24 OWNED BY IZAAK WALTON LEAGUE PORTER COUNTY CHAPTER
PROPOSED ADD'N I-M
INDIANA DUNES NATIONAL LAKESHORE
HIGH DUNE
STATE ROAD NO. 49
FOURTH ST.
THIRD ST.
SECOND ST.
FIRST ST.
FIRST
MAIN ST.
HJELM RD.
DUNES VIEW MANOR
BAILEY DRIVE
HEIGHTS
AVE.
FOSTER
AVE. NO. 1400 N
24
6.57 A
27
1 A
25
7.25 A
28
.5 A
21
16.6 A
22
1.3 A
20
5 A
SHADED AREA: T-M: HR 3209 & S. 2882

The Izaak Walton League of America
INCORPORATED
DEFENDERS OF AIR, WATER, SOIL, WOODS AND WILDLIFE

Indiana Division

OFFICERS
SEPTEMBER 1990 - SEPTEMBER 1991

PRESIDENT
TERRENCE S. McCLOSKEY
[illegible] MICHIGAN AVENUE
LaPORTE, IN [illegible]
OFF: (219) [illegible]
RES: (219) [illegible]

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EAST CENTRAL VICE-PRESIDENT
GEORGE REISMILLER

NORTHEAST VICE-PRESIDENT
WILLIAM C. BLOCK

September 11, 1990

TO: The Honorable Richard Lugar
The Honorable Dan Coats
The Honorable Peter Visclosky
The Honorable Jim Jontz

FROM: Board of Directors, Indiana Division

The Board of Directors of the Indiana Division of the Izaak Walton League of America, at its regular quarterly meeting in Evansville, Indiana, on September 8, 1990, reviewed S. 2882, the Senate bill to expand the Indiana Dunes National Lakeshore. The League has been on record since 1952 in favor of saving the Indiana Dunes and supported the establishment of the Indiana Dunes National Lakeshore in 1966, and subsequent bills to add additional areas to the Lakeshore.

In 1989, the League testified in favor of H.R. 3209, sponsored by Rep. Peter Visclosky, which has passed the U.S. House of Representatives. Since the Senate bill differs in some respects from H.R. 3209, the League reviewed the differences and voted to take the following positions, summarized as follows:

1. Little Calumet River and Salt Creek Corridors

Preservation of river valleys in general, and these two rivers in particular, remain a high priority of the League. Consequently, the League voted to continue its support for the House-passed bill, H.R. 3209, which would include the river corridors within the boundaries of the Indiana Dunes National Lakeshore and authorize the National Park Service to purchase the lands along the river within the areas designated on the accompanying maps. The Senate bill would provide only for a study and the League believes this to be insufficient to guarantee permanent, legally enforceable preservation.

2. Beverly Shores wetlands.

Preservation of wetlands has always been an objective of the League. H.R. 3209 provides for a study of the wetlands while S. 2882 would include 80 acres of the wetlands within the National Lakeshore boundaries. The League voted to support the inclusion of these 80 acres. However, since this protects only half of the Beverly Shores wetlands, the League also voted to support the study called for in H.R. 3209 for the balance of the wetlands.

3. Hobart Prairie Grove,

The League voted to support the Senate version of this area, which would provide for acquisition by the National Park Service.

4. Other Areas.

The League let stand its previously stated support for all of the remaining areas included in H.R. 3209.

5. Leaseback Extensions.

The League let stand its opposition to extending existing leasebacks within the National Lakeshore.

6. Homeowners.

The League is in favor of retaining the existing provisions of the National Lakeshore Act as it relates to single family homes within the Lakeshore boundaries.

In conclusion, the League urges the Senate to combine the land acquisition features of H.R.3209 and S. 2882.

Respectfully submitted,

Terrence B. McCloskey

Terrence B. McCloskey
President, Indiana Division

The Izaak Walton League of America
INCORPORATED
DEFENDERS OF AIR, WATER, SOIL, WOODS AND WILDLIFE

Indiana Division

SUPPLEMENTARY STATEMENT
S. 2882 -- Indiana Dunes National Lakeshore
October 2, 1990

I attended the public hearing on the bills to add certain areas to the Indiana Dunes National Lakeshore and while I did not get the opportunity to testify, I submitted a statement for the record on behalf of the Indiana Division of the Izaak Walton League of America. I wish to comment on a number of statements made at the hearing and ask that these comments also be added to the record.

In the testimony submitted by Sue Showers, the spokesperson for the anti-park group known as S.T.O.P., I submit the following rebuttal:

Referring to the Porter County Floodplain Ordinance and the guidelines for Federal flood insurance:

S.T.O.P.: "Under its guidelines, absolutely no building can be done within the floodplain."
H.Read (IWLA): "Refer to my comments on pp. 4 and 5. In addition, I submitted a copy of the Porter County Floodplain Ordinance, which I request be submitted for the record. I believe that you will conclude that the S.T.O.P. statement is incorrect. A review of the ordinances for the City of Portage and the towns of Burns Harbor, Porter, and Chesterton are no more restrictive. One correction to my statement is necessary. I refer to the statement that by depositing fill in the river valley, a construction permit can be obtained. This statement is not in the Ordinance itself, but in the publications provided under the federal Flood Insurance Program, which is incorporated by reference for those communities participating in the program. S.T.O.P. also refers to zoning restrictions. I had previously submitted a long list of construction permitted by zoning to Senators Coats and Lugar. I'm sure they would make this list available to the committee. (An article from the Chesterton Tribune on this issue is enclosed.)

Referring to drainage laws:

S.T.O.P.: "Also due to the nature of this land, it is not feasible to drain wetlands within the floodplain."
H.Read (IWLA): The Porter County Drainage Board thinks it's "feasible." In fact, draining the wetlands is its avowed purpose.

Referring to the Campground addition (Area II-M):

S.T.O.P.: "The tax base has been eroded to the point where public services for this area are in jeopardy."
H. Read (IWLA): This claim is made for many areas but park opponents have not submitted any figures to verify it. See article from Chesterton Tribune, enclosed, on increase in Porter County tax base.

Referring to the Porter Beach addition (II-L):

S.T.O.P.: "The National Park currently owns land that is more suitable for handicapped development and is closer to the beach."
H.Read (IWLA): Development for the handicapped is not the only reason why II-L should be added to the park. It is the last opportunity to acquire beach frontage with back-up area for badly needed public use, whether handicapped or not. In addition, the access road to the west could be relocated further inland.

Referring to the history of the creation and subsequent expansion of the Indiana Dunes National Lakeshore:

S.T.O.P.: "Subsequent expansion bills have resulted in repeated violation of the original intent."
H. Read (IWLA): I am one of the few persons left who was a direct participant in the efforts of the 1950s and 1960s which led to the creation of the Indiana Dunes National Lakeshore. I regard it as extremely presumptuous of Sue Showers to render an opinion about the "original intent" of the National Lakeshore. She is a latecomer to the issue and has never before recorded any interest in the park that I am aware of. She is not qualified to make any such statement.
For my own part, as one who has been continuously involved in this issue since 1952, I can state that everything we have done to establish, protect, and enlarge the National Lakeshore is consistent with the "original intent."

Referring to the several assertions by S.T.O.P. that they are " . . . fiercly protecting against any threats that would be detrimental to these lands, rivers, and wetlands," I would only point to the photographs I submitted. These show dumping, both legal and illegal, which is filling in the river valleys and covering over wetlands. In fact, public notice for an after-the-fact application to the Corps of Engineers under 404 of the Clean Water Act made by the Showers notes a recent deposit of fill on their "fiercely protected property."

Regardless of what has happened in the past, it is the future that concerns us. In this respect, Ms. Showers and S.T.O.P. have offered no legally enforceable, permanent plan to preserve the river valleys.

I request that you add this to my previously submitted statement for the record.

Herbert P. Read
Indiana Division
Izaak Walton League of America

Home Address: 70 E. State Park Boundary Road
Chesterton, IN 46304
219/926-2224

Chesterton Tribune

Flood plain not always protected, NIRPC learns

By VICKI URBANIK

People who want to build near Salt Creek and the Little Calumet River have to follow different rules depending on where they are in the county.

Representatives from Chesterton and Portage said that if the builders meet all requirements, there is little to stop them from developing land adjacent to the streams. A county official, on the other hand, said no building is allowed in the unincorporated areas if the land is a floodplain.

The government representatives were guest panel speakers at a Northwestern Indiana Regional Planning Commission (NIRPC) task force meeting Thursday. The task force is gathering information relevant to the Indiana Dunes National Lakeshore expansion bill.

Chesterton Building Commissioner Jeff Lowe said all the property adjacent to the Little Calumet River in Chesterton is zoned residential. Other than the standard 75-foot building setback, there are no restrictions on building next to the river, he said.

That is the way it is in Portage, said Portage City Planner Janet Barkowski.

Except for the 223-acre Imagination Glen city park, the land along Salt Creek in Portage is zoned single-family residential, multi-family, industrial, and business. As long as the developers meet the 75-foot setback and the city's zoning requirements, they can build near the creek.

"I do not have anything to say no to," she said.

The situation is different in the unincorporated areas of the county, said Porter County Plan Commission Executive Secretary Elizabeth Marshall.

Most of the land is zoned rural-residential. People can build individual houses on the property as long they receive the necessary permits.

If a subdivision is planned, the developer must come before the Technical Advisory Committee (TAC). If the land is being divided into five or more lots, a public hearing will be held. County Engineer David Schelling, a TAC member, will not issue the necessary road cut, or driveway, permit if the land is a floodplain, Marshall said.

Marshall said the county's floodplain rules are more stringent than what the federal government requires. "I think the county does have a large amount of control over floodplains and wetlands," she said.

One of the audience members at the task force meeting questioned why so much attention is being paid to building in a floodplain.

"Who in their right mind with a half a brain would build in an area like that?" said Sharon Fee, who noted that building too close to a waterway presents flooding risks.

But Barkowski said that floodplain development does, in fact, happen. Many people like to live near a stream without realizing that the stream is there for a different purpose, she said.

Another topic at the task force meeting dealt with ways that communities can protect wetlands.

The federal Clean Water Act prohibits most forms of filling in of wetlands, but the law says nothing about draining wetlands. NIRPC attorney David Hollenbeck also said that many people complain because it takes several days for the Detroit-based Army Corps of Engineers to inspect a local wetland violation.

At least 16 states in the country have wetland statutes. Indiana is not one of them. A bill that would have offered greater wetland protection in Indiana was defeated in the 1989 legislature.

The bill's defeat has not stopped some Indiana communities from enacting their own wetland laws, Hollenbeck said. One of those towns is Auburn, in northeastern Indiana. Auburn's ordinance limits wetland development and protects wetlands even if they have not been officially designated by the Army Corps, Hollenbeck said.

In Porter County, the Valparaiso Lakes Area Conservancy District is working on a program to protect its remaining 50 acres of wetlands, Hollenbeck said.

Porter County Commissioner President William Carmichael said he expects that a county wetland ordinance will be proposed soon. But Butterfield said that in order for such an ordinance to work, all affected towns and cities would also have to adopt similar measures, since the county's ordinance would apply only to the unincorporated areas.

MONDAY, SEPTEMBER 10, 1990

Chesterton Tribune
Chesterton, Indiana
June 25, 1990

Porter County's assessed valuation tops $1 billion

By VICKI URBANIK

Porter County's assessed valuation has skyrocketed to more than $1 billion, the highest it has ever been.

County Auditor Jacquelyn Sterling certifed the county's total assessed valuation Friday at $1,019,658,590 — approximately $207 million more than last year's. The assessed valuation basically means the county's total worth.

Sterling attributed the increase to a residential building boom, new industry locating in the county, and changes in the state's reassessment procedures.

The assessed valuations for every governmental unit in the county went up this year — some substantially.

Chesterton's worth jumped by nearly $15 million, while Porter's increased by about $4.8 million. Burns Harbor's assessed valuation rose by about $19 million, while Dune Acres' increased by about $3.2 million.

The high assessed valuation is good news for taxpayers. "With the assessed valuation going up, it's certainly going to bring the tax rates down," Sterling said.

The assessed valuation theoretically equals one-third of the replacement value of a given property.

Deducted from the county's total assessed valuation was about $45 million in tax breaks that were granted to businesses in the county. In the previous year — 1988 taxes paybable in 1989 — the abatements totaled about $43 million.

With the assessed valuation figures certified, the state will now review the 1990 budgets for all of the county's governmental entities and set the tax rates. Once that is done, it will take about a week for the county to send out this year's property tax bills, said County Treasurer Jim Murphy.

Murphy said he has a feeling his office will get the tax bills prepared sometime in mid-July. He said he expects that property owners will have until Aug. 3 or 10 to make the first tax installment. The fall installment will probably be due around Nov. 13, he said.

In typical years, the tax bills are sent out in the spring. But last year, the county experienced numerous delays with reassessment, which is the adjustment of property values every 10 years. The reassessment problems in turn caused delays in the normal tax process.

Because taxes were not collected on time, various government units, such as the Duneland School Corporation and the towns of Chesterton and Porter, had to take out loans in order to keep operating.

Murphy said it is difficult to say just what property owners can expect when they get their tax bills. Property owners who installed swimming pools or made other major improvements will likely see a larger than normal increase. But, generally speaking, he said he expects the increases dollar-wise will be about the same as they have been in the last five years or so.

Although the assessed valuation figures are now certified, the work isn't over for Sterling and her employees, who have been working overtime in recent months on the assessed valuation work. County officials are still hearing property reassessment appeals. In addition, she said, the number of mortgage deductions and homestead credits her office is handling is "unbelieveable."

And, Sterling noted that it is that time of the year again for taxing units to prepare their proposed 1992 budgets, meaning that assessed valuation figures for next year will have to be prepared.

"It's a never-ending battle," Sterling said.

Local AVs

This year's certified assessed valuation figures for local units of government in the Duneland area are listed below. Last year's figures are in parentheses. All figures are rounded off.

Chesterton — $47,772,000 ($32,850,000).
Porter — $16,028,000 ($11,175,000).
Burns Harbor — $105,450,000 ($85,800,000).
Dune Acres — $7,819,000 ($4,610,000).
Westchester Township (unincorporated areas) — $140,048,000 ($114,143,220).
Liberty Township (unincorporated) — $27,596,000 ($21,700,000).
Jackson Township (unincorporated) $21,083,000 ($15,967,000).

6·25·90

CHESTERTON TRIBUNE Chesterton, IN October 3, 1990

Little Calumet River development gets permit

By VICKI URBANIK

The Porter County Health Board Tuesday granted the septic permits needed for up to five new houses on County Road 1300 North near the Little Calumet River.

One approval went to a three-lot development on the south side of 1300 North east of 375 East. The parcel is in the name of the Lake County Trust.

The health department staff originally denied the septic permits because one of the soils on the site is classified as severe, and the other soil is classified as a wetland. However, a staff report said that limitations could be overcome with a special septic system design.

Donald Bengel, the surveyor for the project, said no construction will occur in the wetland area. He said the three houses will be "fairly expensive," and so no building will occur on unsuitable soils.

Each lot will be about 2.57 acres, but Bengel said the entire river-area property in question totals 50 acres.

The other septic appeal went to Kathleen Swanson for two septics on 1300 North east of Brummitt Road. The health department staff originally denied the permits because of a high water table, but reported that limitations could be overcome by a special drainage system.

The two permits in question were renewals for permits first granted in 1978.

Swanson said one septic permit is for six acres north of the Little Calumet River, and the other is for 10 acres south of the river. She said she hopes to build on the six-acre site next fall.

In another local septic appeal, the board granted approval for Thomas Creswell to install a holding tank for a lot in Brummitt Acres prior to hooking onto the Indian Boundary Conservancy District sewer system.

Creswell told the board that he must begin building his new home soon, since he sold his former house faster than expected.

Health board members expressed concerns about the costs of the holding tank. Health Department Administrator Keith Letta said the tank would need to be pumped out every 10 days or so, at roughly $100 each time. Health Officer Dr. Gary Babcoke added that the only other time the board has approved a holding tank was when it granted a mound system permit for the owners of the former Old North Church in Beverly Shores.

Despite the concerns, the board approved a permit, either for a holding tank or for a conventional septic with a special drainage system, if one is determined feasible by a professional engineer. The board also placed the matter on next month's agenda to hear a status report.

September 21, 1990

Senator Dale Bumpers
Chairman of Subcommite on Public
Lands, National Parks and Forest
364 Dirkson Building
United States Senate
Washington, D.C.
20510

Honorable Senator Bumpers;

I am writing this letter and request it be entered as written testimony on Senate bill S2882.

I object to any further expansion of the Indiana Dunes National Lake Shore Park in Porter County, Indiana. The proponents of the proposed park expansion have shown no need for this expansion. It is cited that the Little Calumet River and Salt Creek corridors must be put into the park to prevent their exploitation, these are flood plains and particularly this year have been covered with water most of the year. It would be fool hardy for anyone to believe in any kind of development in these areas.These are flood plains and wetland and are forbidden from alteration or change by the Porter County Zoning Master Plan, regulated by the Indiana D.N.R. and any change or alteration must be authorized by the Corps of Engineers under the National Clean Air and Water Act. What more protection do they need.

These streams and river areas are naturally reverting back from farm and pasture lands to woodlands, wilderness, and wild life areas. Left alone nature itself will do what is best. I am familiar with nearly all the land owners along these streams, and it is a fact, that they all want to maintain them in their natural state. The National Park Service by a previous study in the early 1970's determined that it was not in the best interest of the Park and U.S. citizens to have these land acquired by the U.S. Government and included in the National Park system. Nothing has changed and the same is true today. I asked at a public forum: Would it not be much better to take the monies required to acquire and then administer these land and use it to improve the sewer and sanitation facilities of the towns and cities along these streams; I was told by a proponent of the park expansion I was comparing apples to oranges.

This summer was a good time to compare apples to oranges. Due to inadequate separation of storm and sanitary sewers nearly all the sewage treatment systems along these streams had to release un-treated sewage into these streams, which eventually went into Lake Michigan, causing the need, due, to the high bacteria count, for the public beaches at the Indiana Dunes State Park and the Indiana Dunes National Lake Shore Park to be closed to swimming for several weeks.

It is a shame that you who write the laws cannot come here for a few days, uninterrupted by special interest groups and view these areas proposed for annexation into the park system. I am sure you would see this is an unwarranted taking of private property for government ownership. These are natural areas now and should remain that way under private ownership. The nearly 18,000 local people who signed petitions opposing this park expansion are not special interest groups, but concerned citizens who want the best for the Dunes National Park, our community and our country as a whole.

In a time of trying to bring us back to a balanced budget I urge all members of this committee to consider all the facts of this proposed legislation and vote against any further expansion of the Indiana Dunes National Lake Shore Park in Porter County, Indiana.

Respectively,

Keith D. Lakin

Keith D. Lakin
1250 Dogwood Drive
Chesterton, Indiana
46304

KDL/mel

GARY COMMON COUNCIL
Phone: (219) 881-1315

FROM THE OFFICE OF THE PRESIDENT

September 27, 1990

Senator Dale Bumpers
Chairman of Subcommittee
On Public Lands and National
Parks and Forests
364 Dirksen Building
U.S. Senate
Washington, D.C. 20510

Dear Senator Bumpers:

Because of the Middle East Crisis and the furlough of Federal Employees and closing of National Parks, our financial resources dictate that the parcel of land 7.9 acres (see attached) be deleted from inclusion in the Indiana Dunes National Lakeshore expansion bill.

Also, please read this request into the official records during the Subcommittee Hearings.

Your cooperation in this request is greatly appreciated.

Sincerely,

Gardest Gillespie

Gardest Gillespie, President
Gary Common Council and
Councilman First District

GG/gj:5603

cc: Senator Dan Coates
Congressman Peter Visclosky
Vice President Dan Quale

Attachments

OFFICE OF THE GARY COMMON COUNCIL · GARY MUNICIPAL BUILDING, ROOM 209 401 BROADWAY GARY, INDIANA 46402

September 21, 1990

Senator Dale Bumpers
Chairman of Subcommittee
On Public Lands and National
Parks and Forests
364 Dirksen Building
U.S. Senate
Washington, D.C. 20510

Regarding: Exclusion of 7.9 Acres

Dear Senator Bumpers:

As President of the Dunes Lakeshore Corporation, I am requesting the Exclusion of 7.9 Acres owned by the Dunes Lakeshore Corporation from the Dunes National Lakeshore Expansion Bill. The Land will be the site of Housing for the Physically Handicapped and the Aged.

At present, a Feasibility Study is being completed so that financing can be finalized. I'm sure you are aware that the private Economic Development needs in our City will not only make housing for the Handicapped available but, also Long Range plans include the Aged. As stated in previous correspondence submitted to Senator Lugar, Senator Coats and Congressman Visclosky the environment can be protected and Economic Development goals accomplished in concert with environmental concerns.

The May or the City of Gary, Thomas Barnes, is supporting this request along with the President of the City Council. I have enclosed correspondence that was sent to:

Congressman Peter Visclosky
Senator Daniel Coats
Senator Richard Lugar
Dale Enquist, Director Indiana Dunes National Lakeshore
Mayor Thomas V. Barnes's Letter requesting Removal
Gardest Gillespie, President of Gary City Council - Letter requesting Removal

A Legal Description of Property is also enclosed.

I am requesting that this written testimony be entered into the official minutes of your Committee Hearings, in addition to Dunes Lakeshore Corporations request for Removal of Said Property from the Dunes National Lakeshore Expansion Bill.

If any additional information is required please contact me personally at:

Home - 219-938-5942
Work - 219-885-4264
Home Address - 7165 Birch Avenue
Gary, IN 46403

Thank you for your cooperation.

Sincerely,

Robert M. Douglas, President
Dunes Lakeshore Corporation

RMD/jrc
Enclosures

CITY OF GARY
THOMAS V. BARNES, Mayor

OFFICE OF THE MAYOR
401 BROADWAY
GARY, INDIANA 46402
(219) 881-1301
FAX: (219) 881-1387

September 20, 1990

The Honorable Richard G. Lugar
United States Senate
306 Hart Senate Office Building
Washington, D.C. 20510-1401

Dear Senator Lugar:

The Subcommittee on Public Lands, National Parks and Forests will be holding hearings next week. On September 27, the Subcommittee will hear comments on the Indiana Dunes National Lakeshore expansion bill.

The City of Gary concurred with the selections made for inclusion in the bill. However, it has come to my attention that part of the acreage in that area called Inland Manor has been slated for development by Dunes Lakeshore, Inc. for the provision of housing for the handicapped. The area slated is 7.9 acres and is legally described as contained in the attachment.

There is a derth of such housing in our community. Further, the exclusion of this property would generate taxes to the City of Gary. Accordingly, I respectfully request that this portion of the property be excluded from the expansion bill.

If you have questions, please do not hesitate to contact me.

Sincerely,

Thomas V. Barnes, Mayor

TVB/adc

PUBLIC OFFICE MEANS — PUBLIC SERVICE

July 19, 1990

Congressman Peter Visclosky
215 West 35th Avenue
Gary, IN 46408

Dear Congressman Visclosky:

Please accept this correspondence as an official request to exclude the following 7.9 acres from the National Lakeshore Bill. (See attached Legal description and plat of survey)

My three Brothers and I, all lifelong residents of Gary and home owners, organized the Dunes Lakeshore Corporation in 1989 and purchased the above property described with the intent of constructing a 100 unit Residential Care Facility for the Physically Handicapped on this property. The cost of this new construction or first (1st) phase will be approximately four (4) million dollars.

The Architectual Firm of Wendell Campbell and Associates is presently completing a Feasibility Study required for the submission of an application for Section 202 funding. Future plans include the construction of a 120 bed nursing home along with fifty (50) additional beds for residential care.

As you are aware, the City of Gary is in need of private economic development. It is our intent, as Tax Payers and lifelong residents, to contribute to this new revitalization. This new construction will not only increase the Tax Base, it will create approximately sixty (60) new jobs. The most important thing that will occur is that it will make available Residential Units for the Physically Handicapped and the Aged not only in Gary, but throughout Northwest Indiana. At present there does not exist any Residential Care Units designed specifically for our Physically Handicapped Citizens.

We clearly understand the importance of the environment in Northwest Indiana. However, Economic Development, Jobs for the unemployed and Living Units for the Handicapped and the Aged, we feel, is of equal importance and can be developed in concert with the environment.

Finally, I am preturbed that as a property owner, we were not notified in writing or verbally that this property was included in the Bill. Only today (7/19/90) were we officially notified that our property was included, and this was thru my iniation by calling your Washington, D.C. office.

I am willing to meet with you or your staff at your earliest convenience to provide you with any additional information you may need and discuss the details of this project.

Sincerely,

Robert M. Douglas

Robert M. Douglas, President
Dunes Lakeshore Incorporated
7165 Birch Avenue
Gary, IN 46403

cc: Mayor Thomas V. Barnes, City of Gary
Richard Comer, Deputy Mayor
Gardest Gillespie, President of Gary Common Council
Victor Bunson, Director of Planning
Arlene Colvin, Director of Physical and Economic Development
James Craig, Zoning

July 20, 1990

Senator Daniel Coats
411 Russell
Washington, D.C. 20510

Dear Senator Coats:

Please find enclosed a copy of correspondence sent to Congressman Peter Visclosky voicing our objection to land along County Line Road in the National Lakeshore Bill (see attached map-section I-H). It is the intent of the Dunes Lakeshore Inc. to conschuct housing for the Physically Handicapped under Section 202 of the Housing Code, in addition to Residential Units for our Senior Citizens on this property.

The letter outlines four million in initial development plans for the area.

In view of the need for Economic Development in Gary, in addition to housing for the Physically Handicapped and Seniors, we are requesting your assistance in omitting our property from inclusion in the Bill.

Finally, I am perturbed that as a property owner, we were not notified in writing or verbally that this property was included in the Bill. Only yesterday (7/19/90) were we officially notified that our property was included, and this was thru my iniation by calling Congressman Peter Visclosky's Washington, D.C. office.

I would be more than happy to meet with you or your staff to discuss details at your earliest convenience.

Sincerely,

Robert M. Douglas

Dunes Lakeshore, Inc.
7165 Birch Avenue
Gary, IN 46403
(219) 938-5942

July 20, 1990

Senator Richard G. Lugar
306 Hart
Senate Office Building
Washington, D.C.   20510

Dear Senator Lugar:

Please find enclosed a copy of correspondence sent to Congressman Peter Visclosky voicing our objection to land along County Line Road in the National Lakeshore Bill (see attached map-section I-H). It is the intent of the Dunes Lakeshore Inc. to construct housing for the Physically Handicapped under Section 202 of the Housing Code, in addition to Residential Units for our Senior Citizens on this property.

The letter outlines four million in initial development plans for the area.

In view of the need for Economic Development in Gary, in addition to housing for the Physically Handicapped and Seniors, we are requesting your assistance in omitting our property from inclusion in the Bill.

Finally, I am perturbed that as a property owner, we were not notified in writing or verbally that this property was included in the Bill. Only yesterday (7/19/90) were we officially notified that our property was included, and this was thru my iniation by calling Congressman Peter Visclosky's Washington, D.C. office.

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GARDEST
GILLESPIE COUNCILMAN
for the 1st

6750 ASH PLACE • GARY, INDIANA 46403 • (219) 938-6914
"A People's Person"

GARY COMMON COUNCIL OFFICE:
401 BROADWAY (Room 209) GARY, INDIANA 46402
(219) 881-1315 - 881-1316
"POSITIVE THOUGHT-POSITIVE ACTION"

July 25, 1990

Mr. Dale Engquist, Director
Indiana Dunes National Lakeshore
1100 North Mineral Springs Road
Porter, Indiana 46304

Dear Mr. Engquist:

Please accept this correspondence as a request to you to change the boundary in the National Lakeshore Bill to exclude 7.9 acres of land. See enclosed map.

This request is of special interest to the City of Gary because the owners of the land, Mr. William Douglas and his three brothers have drawn up plans to build a facility to house the Physically Handicapped and Seniors, this would serve the community, as well as provide a Economic Development base which is so badly needed.

A request for exclusion has also been sent to Senator Dan Coats. While we are concerned about the "economic factor", we are also disturbed that the owners of the property were not contacted about the inclusion but found about it thru Congressman Visclosky's office. That seems to be a bit appalling as well as unjust.

Any immediate attention and written response you can give to this request is greatly appreciated. I look forward to hearing from you soon.

Sincerely,

Gardest Gillespie

Gardest Gillespie, President
Councilman First District

GG/gj:5170

Enclosure

"POSITIVE THOUGHT IS THE CATALYST THAT MAKES
POSITIVE ACTION A PERMANENT REALITY"

GARDEST GILLESPIE COUNCILMAN for the 1st

6750 ASH PLACE • GARY, INDIANA 46403 • (219) 938-6914

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401 BROADWAY (Room 209) GARY, INDIANA 46402
(219) 881-1315 - 881-1316
"POSITIVE THOUGHT-POSITIVE ACTION"

July 25, 1990

Senator Daniel Coats
411 Russell
Washington, D.C. 20510

Dear Senator Coats:

I am writing this letter in behalf of Mr. William Douglas, President, Dunes Lakeshore Corporation and his three brothers who are his co-partners in the firm to ask you to exclude 7.9 acres from the National Lakeshore Bill.

This request is of special interest to the City of Gary because of the fact that it is the intent of the Douglas Brothers to build a facility to house the Physically Handicapped and Seniors while at the same time provide Economic Development which is so badly needed in the City of Gary.

While I am making this request based on the "economic factor", I am also suggesting that it is a bit disturbing to know that as the owners of the property they were not given the courtesy of being notified by any manner of correspondence that their property was included in the Bill until they inquired thru Congressman Visclosky's office.

Please give this request your immediate attention and get back to me in writing with your findings and course of action. A prompt response is appreciated.

Sincerely,

Gardest Gillespie

Gardest Gillespie, President
Councilman First District

GG/gj:5170

"POSITIVE THOUGHT IS THE CATALYST THAT MAKES
POSITIVE ACTION A PERMANENT REALITY"

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July 25, 1990

Senator Richard G. Lugar
306 Hart
Senate Office Building
Washington, D.C. 20510

Dear Senator Lugar:

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Please give this request your immediate attention and get back to me in writing with your findings and course of action. A prompt response is appreciated.

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Gardest Gillespie

Gardest Gillespie, President
Councilman First District

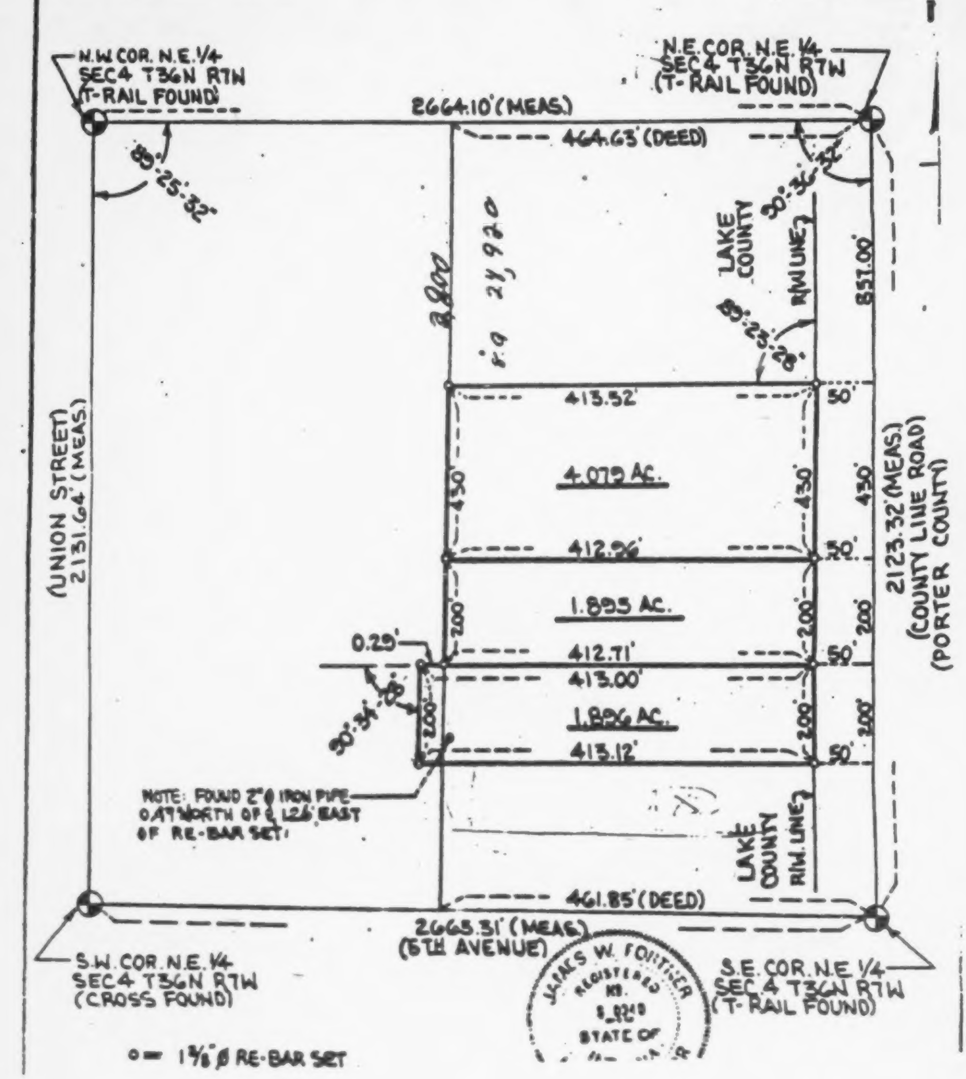
GG/gj:5170

"POSITIVE THOUGHT IS THE CATALYST THAT MAKES
POSITIVE ACTION A PERMANENT REALITY"

PLAT OF SURVEY
by
JAMES W. FORTNER

3815 ARDMORE TRAIL

SOUTH BEND, IN


N.W. COR. N.E. 1/4
SEC 4 T36N R7W
(T-RAIL FOUND)
N.E. COR. N.E. 1/4
SEC 4 T36N R7W
(T-RAIL FOUND)
2664.10' (MEAS.)
464.63' (DEED)
89°25'32"
90°36'32"
3800
P.O. 24,920
LAKE COUNTY
R/W LINE
89°23'28"
851.00'
413.52'
50'
430
4.079 AC.
430
430
412.96'
50'
(UNION STREET)
2131.64' (MEAS.)
2123.32' (MEAS.)
(COUNTY LINE ROAD)
(PORTER COUNTY)
200
1.895 AC.
200
200
0.25'
412.71'
50'
413.00'
90°34'08"
200
1.896 AC.
200
200
413.12'
50'
NOTE: FOUND 2" Ø IRON PIPE 0.49' NORTH OF & 1.26' EAST OF RE-BAR SET.
LAKE COUNTY
R/W LINE
461.85' (DEED)
2665.31' (MEAS.)
(5TH AVENUE)
S.W. COR. N.E. 1/4
SEC 4 T36N R7W
(CROSS FOUND)
S.E. COR. N.E. 1/4
SEC 4 T36N R7W
(T-RAIL FOUND)
JAMES W. FORTNER
REGISTERED
NO.
S 0210
STATE OF
○ = 1 3/8" Ø RE-BAR SET

Sheet 2 of 2

DESCRIPTION

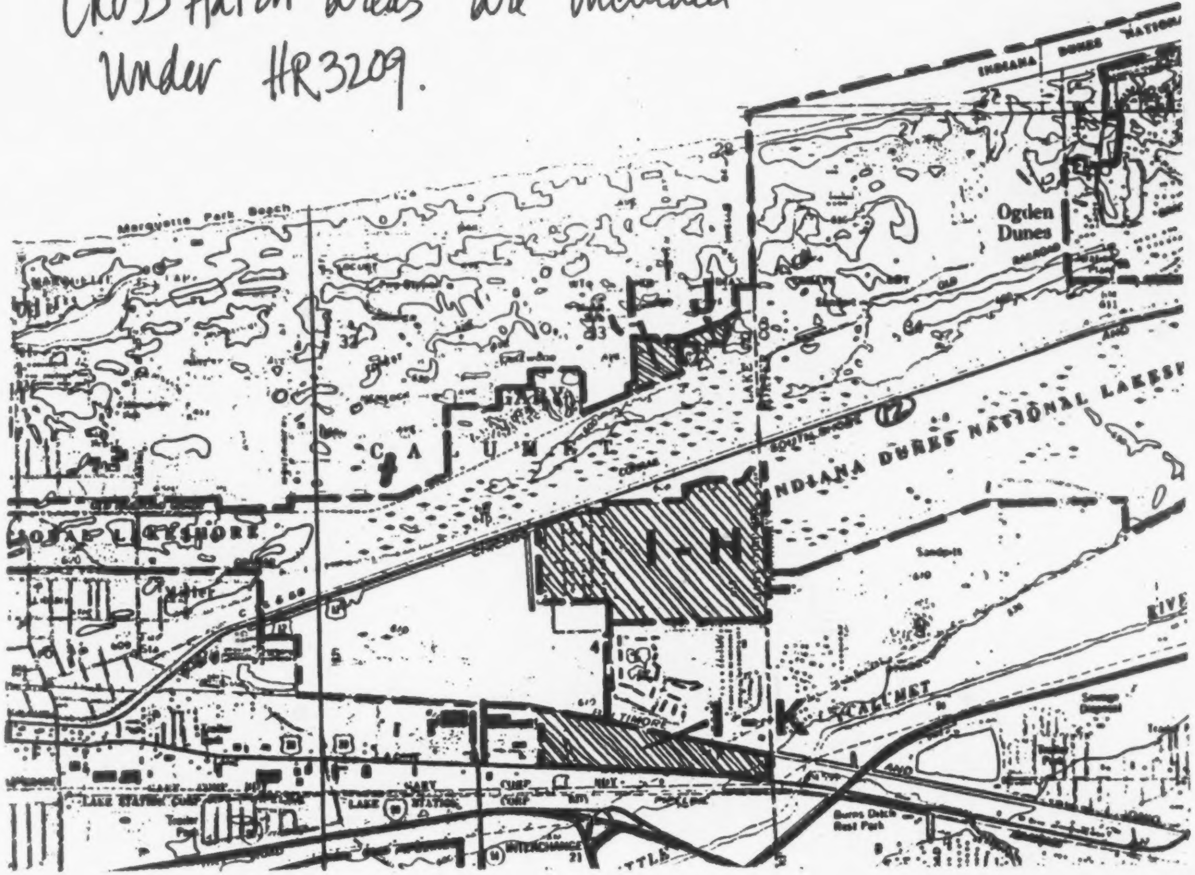
A survey of a parcel of land in the Northeast Quarter (NE¼) of Section Four (4), Township Thirty-six (36) North, Range Seven (7) West of the Second Principal Meridian, all being in the City of Gary, Lake County, Indiana, and more particularily described as follows:

Beginning at a point on the West line of County Line Road, which point is 50 feet West and 857 feet South of the Northeast corner of Section 4, Township 36 North, Range 7 West of the 2nd Principal Meridian, in the City of Gary, Lake County, Indiana; thence West parallel with the North line of said section to a point of intersection with a North and South line drawn from a point on the North line of said section 464.63 feet West of the Northeast corner of said section to a point on the East and West center line of said section which point is 461.85 feet West of the East line of said section; thence South on said North and South line 430 feet; thence East parallel with the North line of said section to the West line of County Line Road; thence North along said West line of County Line Road 430 feet to the place of beginning, and containing 4.079 acres, more or less.

ALSO: Beginning at a point on the West line of County Line Road, which point is 50 feet West and 1287 feet South of the Northeast corner of Section 4, Township 36 North, Range 7 West of the 2nd P.M.; thence West parallel to the North line of said section to a point of intersection with a North and South line drawn from a point on the North line of said section 464.63 feet West of the Northeast corner of said section to a point on the East and West center line of said section, which point is 461.85 feet West of the East line of said section; thence South along said North and South line 200 feet; thence East parallel to the North line of said section to the West line of County Line Road; thence North along the West line of County Line Road to the place of beginning, and containing 1.895 acres, more or less.

ALSO: Parcel TT: Beginning at a point on the West line of the County Line Road which point is 50 feet West and 1487 feet South of the Northeast corner of the Northeast Quarter (NE¼) of Section 4, Township 36 North, Range 7 West of the 2nd P.M.; thence West parallel to the North line of said Northeast Quarter (NE¼) 413 feet; thence South parallel to the West line of said Northeast Quarter 200 feet; thence East parallel to the North line of said Northeast Quarter (NE¼) to the West line of said County Line Road; thence North along the West line of said County Line Road 200 feet to the point of beinning, and containing 1.896 acres, more or less, all as being shown on the attached Plat of Survey, said Plat being made a part of this description.

Cross Hatch areas are included under HR3209.


Ogden Dunes
INDIANA DUNES NATIONAL LAKESHORE
INDIANA DUNES NATIONAL LAKESHORE
Marquette Park Beach
GARY
C A L U M E T
I-J
I-H
I-K
CALUMET
RIVER
Sandpits
Burns Ditch Rest Park
LAKE STATION
INTERCHANGE 21

September 23, 1990

Senator Dale Bumpers, Chairman
Subcommittee on Public Lands, National Parks & Forests
364 Dirkson Office Building
Washington, DC 20510

Dear Senator Bumpers:

Please enter this as written testimony on S2882.

I oppose expansion of the national park in Porter County. I have lived in this area for over 80 years. We have always known our neighbors. It is my understanding that Senate Bill 2882 calls for a study of the river corridor to evaluate the possibility of recreation. I feel that preservation and recreation are at opposite ends.

The river corridor is beautiful because the landowners have cared for it, picking up after litterbugs who occasionally may trespass on their land. If it is opened for hiking and other recreational activities, we can say "hello" to litter and strangers who are bold enough to stray on privately owned land and "goodbye" to the birds, deer, and other wildlife who now make the river their home.

According to the map, farmland is included. This is land that people depend on for income. I have heard that this farmland is being considered as a possible area for a campground.

How do you justify taking farmland for a campground? There are already adequate recreational opportunities in the existing park. Please consider the rights of the property owners.

Sincerely,

Olga Lindstedt

Mrs. Olga Lindstedt
376 E 1200 N.
Chesterton, IN 46304

September 23, 1990

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Subcommittee on Public Lands, National Parks & Forests
364 Dirkson Office Building
Washington, DC 20510

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Olga Lindstedt

Mrs. Olga Lindstedt
376 E 1200 N.
Chesterton, IN 46304

September 23, 1990

Senator Dale Bumpers, Chairman
Subcommittee on Public Lands, National Parks & Forests
364 Dirkson Office Building
Washington, DC 20510

Dear Senator Bumpers:

Please enter this as written testimony on S2882.

We would like to voice our opinion in opposition to park expansion in Porter County. We are most familiar with the Little Calumet and Salt Creek river corridors. These areas do not share the unique features of the Lake Michigan sand dunes, but are up to fifteen miles away and consist of farms and homes.

Senate Bill 2882 calls for a study of these areas with preservation and possible recreation in mind. We feel that a study is unnecessary for the following reasons.

The wetland areas are already protected by existing local and state laws. The national park, by their own admission, already has more land than they can care for properly with available funds and personnel.

The landowners have shown proof of their interest in preserving the natural beauty of the area in the formation of the Salt Creek and Little Calumet Preservation Association. Many landowners are signing easements to permit the county to inspect to be sure that the river corridors are not misused or their natural beauty destroyed. We, as residents, want these areas preserved, but feel it can be done effectively at the local and state level.

Consideration should be given to the growing national debt. This project is unnecessary and unaffordable. There are so many real problems, important problems that should be dealt with.

Please, we have to control spending in our home and we resent having our tax dollars wasted.

Sincerely,

Judith Lindstedt

Mr. & Mrs. John Lindstedt
399 E. 1200 N.
Chesterton, IN 46304

INB Banking Company, North
109 Broadway
Chesterton, IN 46304
(219) 926-1151

INB

James M. Read
Chairman of the Board

September 24, 1990

The Hon. Dale Bumpers
Chairman, Sub-Committee on Public Lands,
National Parks and Forests
364 Dirksen Building
Washington, D.C. 20510

Dear Senator Bumpers,

We are the owners of property on the Little Calumet River in Porter County, Indiana. This property, along with many others, would be subject to acquisition under S2882 which would expand the boundaries of the Indiana Dunes National Lakeshore.

We are opposed to expanding the Indiana Dunes National Lakeshore.

Please enter this letter into the records as written testimony on Senate Bill 2882.

Sincerly,

James M Read

James M. Read
Chairman of the Board

JMR/ds

September 25, 1990

Senator Dale Bumpers, Chairman
Committe On Public Lands,
National Parks And Forests
364 Dirksen Building
US Senate
Washington, D.C. 20510

Gentleman,

I want to request that this letter be recorded as written testimony on Senate Bill S2882, the Indiana Dunes National Lakeshore expansion bill.

The S.T.O.P. group was born out of necessity in April of this year when local property owners first learned about House Bill H3209. A few people in Congressman Jontz's district were notified by mail of the proposed park expansion, and upon investigation discovered just how far reaching this expansion would be. Quickly the word spread and the core group multiplied. Formal meetings were called. A steering committee developed and the learning period began.

The membership grew at a rapid rate. Teachers, doctors, steelworkers, farmers, construction workers, lawyers, environmental educators, retired people, social workers, and homemakers joined forces. Virtually every property owner was strongly opposed to all aspects of the bill that affected Porter County. 95 families along Salt Creek discovered the shocking news. Some, most, or all of their property would be taken. 90 families along the East Branch of the Little Calumet River were sickened when they found out. 28 families in the town of Furnessville (some are 6th generation descendants of the original homesteaders). 12 from the 49 corridor. 8 from Pine Township. 3 from Porter Beach.

All of these people rose in anger to the lack of consideration given them by the congressmen representing this area. They began writing letter to both Congressman Jontz and Visclosky pleading for changes in the condemnation language of the bill. all requests fell on deaf ears.

A petition was started opposing further park expansion except for the Crescent Dune. The petition count grew at a phenomenal rate. Whenever possible, the expansion issue was discussed in detail and all questions answered as honestly as possible. The county rose to 1,000, then 2,000 signatures. It doubled, then doubled again. By the time the bill was to be voted on by Congress, the number was around 8,000. At the present time the S.T.O.P. group represents signatures whose numbers are over 16,000. **16,000, mostly citizens of northwest Indiana, saying to stop park expansion except for the Crescent Dune.**

On May 1st, despite an intensive letter writing and phone call campaign, our Congressmen brought the bill to the House without making one change that would address the concerns of the citizens being affected. The bill passed the House with only 8 Representatives present. Eight people who will disrupt the lives of 236 families in Porter County and another 200 plus in Lake County.

Although we were disappointed by the total lack of consideration by the House, we turned our attention to our two Senators and were pleased to discover that they were open and accessible to our group. Communication was established between the S.T.O.P. steering committee and the aides of Senators Coates and Lugar. Input was given, suggestions made and criticism offered by both sides.

After weeks of work the Senators introduced Senate Bill S2882. This version of the expansion bill varied dramatically from the House bill. The most notable change is that most condemnation of land in Porter County was eliminated. There were still several points with which S.T.O.P. took issue. In the next few weeks, these points were discussed at length with the Senator's Aids through phone conversations and personal meetings.

That brings us to the present. S.T.O.P., an alliance of families, property owners, citizens, taxpayers, city and county governments, and over 16,000 people asking you to **Stop Taking Our Property.**

The idea of an urban park is a relatively new concept that has been tried with mixed results in different parts of the country. As far as the Indiana Dunes National Lakeshore is concerned, the success has been very costly in terms of displaced families. Since it's conception in 1966 over 700 houses have been taken to create the present boundary. Countless other undeveloped properties were also acquired. By contrast, the number of houses taken for all parks combined is 1,6000. That means 44% of all homes taken in the Nation to develop national parks were taken to create this one small urban park. With the present expansion, the total would rise to 56% of all homes. In terms of family disruption and sacrifices, the cost of this park far exceeds any in the country.

In view of President Bush's demand that we take a tough stand and cut unnecessary spending in order to stop the runaway budget deficit, the question now is can we afford to continue removing the property from private ownership and put it in a national park that does not have the funds to maintain and develop the land that it currently has. The National Park Service recognizes this fiscal responsibility and has wisely taken the stand that there should be no further park expansion in the United States and that available funds should be used to develop the assets that the parks now possess. With regards to the Indiana Dunes National Lakeshore, the high property values will make any acquisition very expensive. In addition to the tax dollars needed to buy the properties, one must also consider the loss of local tax revenue to the county government. One further monetary consideration is the increase in budget funds that will be required to manage the lands along the corridors which lie as far as 10 miles from the present boundaries. The park rangers have said that presently the park is hard to protect because it sprawls and there are so few rangers. **We cannot afford the monetary cost of further park expansion in Porter County.**

Of the reasons given to show the need to expand the park, the one that comes up most often is the need to protect the natural areas still remaining in Northwest Indiana. We do not dispute that fact. When the Dunes Lakeshore Park was first established, people in our present group fully supported it's development to prevent industry from destroying the remaining dunes. The park was a success in that sense. However, the dunes are saved. The areas that are included in Porter County for this expansion bill, are not threatened by industrial development. Rather, they are homes and farms. They range in size from small lots to 1, 2, 5, 10, or more acres. The entire area has been developed into one of the most beautiful areas in Northwest Indiana to live and raise a family. What makes the location desirable are the natural areas that are part of each home.

The debate that now arises is how best to protect these natural areas. The first point to be recognized is that they are natural and beautiful because of private ownership. If these lands were added to the national park and additional 43 points of access would be added to the 93 points of access that the park now has. Many of these access points would be miles away from the present park boundaries making it very difficult to police by an already strained park ranger force. Currently each homeowner acts as a watchdog to alert local police when trouble presents itself.

Litter is a constant problem along the roads and along the streams. Currently each family assumes the responsibility to keep these areas clean.

Another fear expressed by expansion proponents is that the wetland areas along the streams and scattered throughout the area will be filled, drained or somehow developed upon. They feel that the only way to protect the areas is to put them under federal control. We believe that there are currently county, state, and federal laws that protect against virtually any activity in these areas. Porter County now has most of the land protected through a county floodplain ordinance. This ordinance is much more stringent than it is required to be. Under it's guildlines, absolutely no building can be done within the bounds. There are no provisions to allow for any variances to this zoning. The state and federal governments have existing laws that prevent the placing of fill in a wetland area without first seeking a permit. These permits are difficult to obtain, even for the simplest of proposals. What may need to be done is to strengthen existing laws and enact better enforcement procedures.

In 1972 a study team was established to determine whether the Little Calumet/Salt Creek area should be included in the Roush Expansion Bill. The following is the summery and conclusion of that study:

"...The team felt under no circumstances should any portion of this suggested addition be part of the National Lakeshore. The responsibility for its preservation, pollution control and recreational development and protection should rest with the State of Indiana. Undoubtedly a good recreation resource, the two streams could provide educational opportunities and help protect the environmental quality of the growing residential areas of North Porter County. However, the Calumet/Salt Creek area is neither unspoiled nor a major river valley. Altered by ditching and stream bed relocation. The future holds even greater changes for this stream. More than one-quarter of the stream length has already experienced these changes. The recent addition of the Coho Salmon to the Calumet, if successful, will cause this resource to become a frantic experience for fishermen and others seeking recreation along its shores. Conservation easements will not be sufficient interest in this land if the proposed fishing is successful. Where possible the state should acquire fishing easements in anticipation of the success of this new recreation resource. Pollution control is of primary importance, management, supervision and control of the public will become a major problem. While the purpose of the enabling legislation is to "preserve for the educational, inspirational and recreational use of the public, certain portions of the Indiana Dunes and other areas of scenic, scientific, and historic interest and recreational value in the State of Indiana". We feel that the Congress has in the past wisely eliminated from consideration, this area. The National Lakeshore if developed as proposed will require the maximum effort of the management along the Michigan shoreline segments.

Twenty miles of unmanageable stream will strain the manpower resources of the park. Only separate management entity, such as the State would provide, could control and manage this resource.

An alternative recommendation is that a local conservancy district be created to insure proper development and use of the waterway and floodplains which would allow strong property owner participation in conservation programs affecting their land without resulting in loss of their use rights."

There has been no major change in the area that would necessitate a change in those findings. The best way to control, protect, and develop these areas is through local government and agencies.

As discussed earlier, S2882 goes part of the way in satisfying the needs of the citizens of our area. However, there are several areas that must be addressed before S.T.O.P. and it's represented population can fully support the Senator's bill.

The first of these points is the study to be done on the river corridors. We need to have greater assurance that the voice of the landowners will be a major part of the decision making process of the study team. After all, only the owners have anything to lose. Any decisions affecting their lives and homes must get top consideration. The restrictions placed on them must be done with their constant input. **No land acquisition and condemnation along the river corridors.**

The second area needing consideration is known as Pine Township. This area has been badly hurt by past park expansion. Their tax base has been eroded to a point where public services are threatened. To this point, all reasons for the acquisition of this area have failed to stand up to close scrutiny. It seems the real reason to acquire it is to prevent any type of commercial development. The local park proponents fear fast food places and quick stop grocery stores. These are not reasons to take a persons property. A much better approach would be to change local zoning laws to insure that the residential status of this area remains intact. **No land acquisition and condemnation in Pine Township.**

Thirdly, the area known as Porter Beach must be given attention. The original reason to take this land was to provide parking and beach access for the handicapped. But, closer study reveals that the park currently has areas that are just as suitable to handicap development as those in the Porter Beach area. The real reason for this land acquisition is a complicated situation that involves an influential local politician/developer, who currently is developing the last pristine dune areas at a frantic pace, the current park staff and the last individual to own lakeshore property within the park area. The politician/developer wants the lands taken so that his "beachfront" homes will not be separated from the lakeshore by privately owned land. The National Park wants his land taken because "he is a bad neighbor". He is a "bad neighbor" because he frequently calls the park about violations and abuses to his property by the uncontrolled thousands that come to the park. The park service just doesn't have the manpower to patrol and police this remote area of the park. When we resort to taking a man's property because he is a "bad neighbor" we have given up a very large part of our American heritage. **No land acquisition and condemnation in Porter Beach.**

The next area of concern to S.T.O.P. is the Furnessville area. This area was wisely left out of the Senate bill. The old community is part of the heritage of this area. Some of the families and homes have been here since the early 1800's. The only reason given to take these lands was to square off the park boundary. No person has given any other reasons to displace these longtime citizens. **No land acquisition and condemnation in Furnessville.**

Last is the area along the Route 49 corridor that leads into the park. The potential for commercial development along this highway is why the area is being considered. As the Senate bill shows, there are ways to prevent this development through zoning restrictions on the properties. However, landowners who do not have a home on their property are still threatened with acquisition of their land. Taking property from tax paying homeowners because of potential development is not acceptable. **No land acquisition and condemnation along the 49 corridor.**

With the resolution of these few areas of contention, we the S.T.O.P. organization and it's represented population, can support the Senate version of this expansion bill. It will meet the needs of most of the affected landowners as well as providing additional park lands in areas where people are not adversely affected. **STOP park expansion in Porter County.**

The urban park concept, from which the Dunes National Lakeshore grew, by it's very nature is going to cause conflict. But, just as the people affected to create the park had to sacrifice, the park proponents must realize that they must also sacrifice and not be able to have everything they desire. This park is not located in some remote area of the country where one or two homes might be affected. Instead, the park is surrounded by industrial, commercial and residential development. A compromise has to be realized. The heavy industry will be visible and affect the park through it's noise and pollution. Commercial development is a part of the area and the desire to eliminate it is not justified. Most importantly, there are people. Hundreds of them live in close proximity to the park. They live all along the natural areas that are coveted by the expansion proponents. But let us not forget, this is an urban park and it must minimize it's impact on people. It cannot have all the desirable areas because the human cost is too great. To get a better concept of the impact that the park has had on our area, imagine going to the suburban area of a major city such as Denver, Louisville, Seattle or Los Angeles and taking 20 square miles away from the people to make a park. 20 square miles of homes not wilderness forest.

When the park started it was to stop destruction of the dunes by industry. Today the industrial threat has been eliminated. The supposed threats to the natural areas in Porter County just do not exist. In the past 25 years the attitudes of people across the county have changed. There is a lot more to being an environmentalist than joining a group and paying your dues.

The property owners along the desired areas have shown for years that they already have the environmental awareness that the present day groups claim to have. They have been involved for years protecting their property and building their homes. They do not have to jump on the 'Environmental Bandwagon' and proclaim all the goodness they are doing. They quietly have been there all along.

In conclusion, we ask you to analyze the human cost of, monetary cost of, and the reasons for park expansion and eliminate the acquisition of any more land in Porter County.

The dunes have been saved.

STOP TAKING OUR PROPERTY!

Respectfully,

Dennis K. Showers

Dennis K. Showers
238W - 875N
Valparaiso, IN 46383

390 Melton Rd.
Chesterton, In
Sept 24. 1990

Dear Senator Bumpers.

90 SEP 28 AM 11

I am very opposed to the expansion of taking more land in the Porter County.

I've lived there all my married life, have raised all my children here & plan to live the rest of my life on this land.

I want this testimony recorded.

Thank you.

Florence Pesarski
390 Melton Rd.
Chesterton, In 46304

THE 2010 COMMITTEE
P.O. BOX 487
BEVERLY SHORES, IN 46301

George C Bagnall 874-4036
Laurie Tanis 872-1080
Gail Saum 874-3742

October 5, 1990

U.S. Senator Dale S Bumpers - Chairman
Subcommitte of Public Lands, National Parks & Forests
308 SDOB
Washington, DC 20510-6158

Re. S-2882

Dear Senator Bumpers

When the Indiana Dunes National Lakeshore was established in 1966 there were four categories of homeownership that came into being.

1. Homes that were left out of the Lakeshore
2. Homes included in the Lakeshore, but exempt from condemnation
3. Homes included in the Lakeshore that were to become leasebacks, (there was no stated time of purchase by NPS nor final termination date).
4. Secondary owners (purchase of time from original leaseback)

The 1976 and 1980 legislation resulted in substantial changes, the major one being the removal of the exemption from condemnation. Life estates & final termination date were added.

Removing the exemption was not consistent with other National Parks - Cape Cod National Seashore still has an exemption from condemnation. It should be noted that the Lakeshore was patterned after the Cape Cod Plan.

An attempt to reinstate the exemption from condemnation was made in 1979 when Senators Bayh and Lugar introduced S-599.

Secondary owners purchased their reservation of use and occupancy (a/k/a leasebacks) from private parties at market value. There have been no inequalities for secondary owners in the Lakeshore, however extending their leasebacks will have a possitive impact on the local real estate tax base and a gain to the US Treasurey for the additional time sold. There would be no greater affect on the use and development of the Lakeshore than by the nearby fee simple homes that were excluded in 1966.

Original owners who sold their homes to the National Park Service have experienced unresolved complaints of discrimination, mistreatment and inequality. They find no relief in S-2882.

Those homeowners selling to the National Park Service during the period 11/05/66 to 12/28/80 did not have the option of life estates. Those selling their homes after 12/28/80 had this option. There is no articulated basis for this discrimination by government. In fairness, those that did not have the life estate option when they sold should have that option now.

The 29 Year Plan for leaseback extensions in S-2882 has been written by Secondary owners, unfamiliar with the inequities suffered by the Original leaseback owners. We feel that the Secondary owners have been treated in a very fair manner in S-2882.

The Park Service in their testimony on S-2882, September 27, 1990 refers to "windfall" and "profitable business commodity" in discussing leasebacks in a negative manner. Perhaps the Park

Service does not understand the market place economy that we live in.

An example of one homeowner included in the Lakeshore in 1966 and not yet having sold to the Park Service will lead to a greater understanding of the inflation/appreciation impact differentials on homeowners in the Lakeshore.

Tract No 52-120 was appraised in 1970 @	$33,000.00	
Tract No 52-120 was appraised in 1990 @	$295,000.00	
Gain in inflation/appreciation over 20 years	$262,000.00	(793%)

Many leaseback holders (formerly home owners) sold their equity when values were low. Had they retained their exemption from condemnation as originally permitted under PL 89-761 (11/05/66) they would now, when they are much older, be able to survive the recent "zoom" effect of real estate values in NW Indiana and SW Michigan.

Had the owner of Tract No 52-120 sold in 1970 he would have received a 25 year leaseback along with $24,750.00 in cash. His cost of purchasing this leaseback @ 1% would have been $8,250.00

To day we find an increasing number of widows who are unable to do much with the 20- 25 Thousand Dollars that they received for their equity some 20 years ago and are now made to look like welfare receipients by the Park Service when they ask for equal treatment. The "windfall" and "profit" on leasebacks pales in comparison with the great disparities found regarding inflation/ appreciation between homeowners that sold early and those that sold many years later (also with those homes that were left out of the Lakeshore in 1966).

To remedy the inequities suffered by the original owners under previous legislation the 29 Year Plan included in S-2882 could resolve and finalize the homeowner issue by implementation of the following three modifications:

1. Add life Estates for original owners.
2. Extend present terms and conditions.
3. Extend the one percent formula for original leasebacks.

Past inequities for original leasebacks have not been adequately addressed in S-2882.

Sincerely

THE 2010 COMMITTEE

George C Bagnall

THE IZAAK WALTON LEAGUE OF AMERICA
Defenders of Soil, Air, Woods, Waters and Wildlife

October 1, 1990

The Honorable Dale Bumpers, Chairman
Public Lands, National Parks and Forests Subcommittee
Energy and Natural Resources Committee
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

I write on behalf of the more than 50,000 members of the Izaak Walton League of America in support of the Indiana Dunes National Lakeshore Access and Enhancement Act (HR 3209 and S 2882) and request that this letter be placed in the hearing record on this legislation.

We endorse the enclosed statement submitted on behalf of the League's Indiana Division by Mr. Herbert Read as it relates to the provisions of the legislation before the Committee. We do not feel that it is appropriate for us to characterize the actions of those who oppose Lakeshore expansion and therefore do not take a position on Mr. Read's comments regarding them.

In closing, we greatly appreciate the Committee's consideration of Indiana Dunes legislation at this late date in the 101st Congress. We also greatly appreciate the efforts of Senators Lugar and Coats, Representatives Visclosky and Jontz, and their staff members for the their hard work on this very difficult but important public lands issue.

Sincerely yours,

Jack Lorenz

Jack Lorenz
Executive Director

cc: The Honorable Richard Lugar
The Honorable Dan Coats
The Honorable Peter Visclosky
The Honorable James Jontz
Mr. Herbert Read
Mr. Terrence McCloskey, President
Indiana Division Izaak Walton League of America

National Office: 1401 Wilson Boulevard, Level B, Arlington, Virginia 22209 • Phone 703-528-1818
Regional Office: 6601 Auto Club Road, Minneapolis, Minnesota 55438 • Phone 612-941-6654

September 24, 1990

Sen. Dale Bumpers
Chairman, sub-committee
on public lands, national parks and forests
U.S. Senate
364 Dirksen Building
Washington, D.C. 20510

Re: Written testimony for public hearings in regards to S 2882, Indiana Dunes National Lakeshore Access and Enhancement Act.

Dear Senator Bumpers:

I am a person who is about ready to have 30 acres of my land studied under the Senate version of the house bill introduced by U.S. Rep. Peter Visclosky. I am someone who spent 10 plus years organizing and involving individuals with handicaps into taking action including recreational access. I have hiked, backpacked and cross-country skiled in national parks through the U.S. and Canada. I am a life-long resident of Porter County, Indiana. I am opposed to any further expansion of the Indiana Dunes National Lakeshore, in any form. I am opposed to condemnation clauses which involve houses, lands or wetlands in any current or future federal park/public lands legislation for parks or recreational purposes anywhere in the U.S.

I and many other area residents are opposed to any further expansion of the Indiana Dunes National Lakeshore. The history of this park expansion is a violation of the basic right to own private property. The park is large enough. To date $59 million has been spent to acquire lands and houses for the existing park. We are concerned that any further expansion, means unneccesary over-expansion. Who is going to pay the cost for park maintenance and ongoing operating expenses? It will be the children--the next generation. They will pay for it through higher taxes or increased prices at the gasoline pump.

The history of acquisition for the park has hit Porter County disproportionately hard. The bills to expand the park have been made by individuals not from Porter County. When we look at the voting patterns, all of Porter County's voters could vote against these legislators and they would still be carried into office by Lake County's voting base. So in actuality, Porter County's voice is not genuinely represented in the history of Lakeshore expansion proposals.

It appears that the Indiana Dunes National Lakeshore for its 14,000 acreas has an inordinate number of federal expansion bills, four the the past 12 years. When will expansion stop? When can private property owners live in Northwest Indiana with a little piece of mind?

Additionally, the Indiana Dunes National Lakeshore has condemned 700 houses for expansion and only 1,600 have been taken by all national parks combined. A review of the Dunes park acquisitions reveals that too many condemnations have occured for this park. Most of the houses are bulldozed down and placed into land fills. This is nearly three times as many houses and businesses that were destroyed by recent tornados outside of Joliet/Plainfield, Illinois in Will County. Environmentally, I do not see how we can justify filling land fills with so much boards, bricks and mortar. Humanistically, I don't see how the Senators can justify tearing down homes in the Inland Manor section of Gary given our national homeless crisis.

In comparison, 300 houses were destroyed for the Cayuga Valley Recreation Area for 37,000 acres. The Indiana Dunes with its 14,000 acreas has targeted 700 houses. What's the reason for this disproportion? Are we in Indiana to continue as the national park guinea pigs for testing leasebacks and condemnations? The history of park expansion has nearly completely uprooted a Lithuanian community which moved into the Dunes in the 1930's because the terrain looked and felt like home. It seems ironic that you as Senators are again considering legislation which will continue the 20 years of uprooting Lithuanians in the U.S. Lithuania is now experiencing freedom, but the United States government uproots Lithuanians via the National Park Service.

Finally, as a woman I am very concerned about safety issues from further park expansion. Hikers have recently been killed on the Appalachian Trail. The Indiana Dunes National Lakeshore Park has on record a gang land murder on park premises. The Indiana Dunes National Lakeshore park and proposals span across 10 separate police jurisdictions. How can one park service expect to take over policing responsibility available through 10 trained police units? I fear very much the type of weekend recreationer that this park is now attracting.

Recommendations for Senate Bill:

1) Come up with a comprehensive master plan that gives final park boundaries with major input from private property owners.

2) Take Crescent Dune as proposed.

3) Keep the leaseback provisions and expand that nc more housing be destroyed for this park, including current properties owned by the park. Leaseback holders should be able to buy back properties.

4) Rename the visitor's center as proposed.

5) Drop everything else including the study of the Salt Creek/ Little Calumet River (it's no more than a creek).

I am severely disappointed that both the Senators and the House version did not adequately seek or obtain consultation in regards to the Porter Beach site selection for handicapped access from bona-fide handicapped organizations. It seems no individuals with handicaps had any input regarding this site selection. This site has no public transportation access and it isolates handicapped citizens from areas popular to the general public. Do not these Senators know that many handicapped people cannot afford to drive cars.

It is my hope the the sub-committee will take a strong look at this bill. Edit it into a realistic version that residents of Porter County can live with and that it be the final Indiana Dunes National Lakeshore Expansion bill for our lifetime.

Thank you for your consideration.

Sincerely,

Diana Cook

Diana Cook

329W 875N
Valparaiso, IN 46383
219/763-3741

TOGETHER WE MAKE THE DIFFERENCE
8149 Kennedy Ave, Highland, Indiana 46322
(219)-923-1060 (312)-731-2848
NORTHWESTERN INDIANA
REGIONAL PLANNING COMMISSION

TESTIMONY OF THE NORTHWESTERN INDIANA REGIONAL PLANNING COMMISSION (NIRPC) TO THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS & FORESTS OF THE UNITED STATES SENATE ENERGY & NATURAL RESOURCES COMMITTEE ON THE INDIANA DUNES NATIONAL LAKESHORE ACCESS & ENHANCEMENT ACT, SUBMITTED SEPTEMBER 27, 1990, BY NIRPC CHAIRMAN, MAYOR DAVID BUTTERFIELD

The Northwestern Indiana Regional Planning Commission (NIRPC) is a multi-purpose areawide planning agency established in 1966 by the Indiana Legislature. NIRPC's planning area is comprised of Lake, Porter and LaPorte Counties which have a population of 720,000, contain 1,520 square miles, include forty municipalities and all of Indiana's forty-five mile Lake Michigan shoreline, and encompass the 14,000 acre Indiana Dunes National Lakeshore.

NIRPC operates as a cooperative of local governments within the three Indiana counties. Its thirty-five members represent city, town and county government and the governor. Two-thirds must be local elected officials.

In its mission statement, NIRPC identifies itself as an association of local governments possessing a shared commitment, interdependence, and the responsibility to serve as a catalyst to achieve the following:

- generating debate necessary to identify and resolve areawide problems;
- offering a forum through which elected officials plan and develop cooperative approaches to common issues;
- serving as a mechanism to develop a unified approach to entities of state and federal government;
- pursuing a partnership with the private sector to promote northwestern Indiana;
- providing the vision to create the opportunities which shape the future of northwestern Indiana.

As the mayor of Valparaiso, Indiana, a city of 24,000 located in central Porter County, it is my duty to represent my community in NIRPC matters and my honor to serve as its current chairman. On June 20, 1990, at a meeting of the NIRPC Executive Committee, I expressed my concern regarding conflicting information and the resulting confusion surrounding H.R. 3209, the Indiana Dunes National Lakeshore Access & Enhancement Act, which had recently passed the U.S. House of Representatives.

Sensing some similar concern from several of my colleagues, I decided to create a task force to study the bill. In a July 6th letter to prospective task force members I said:

> "In order to separate out any misinformation, discuss issues in a rational manner, and explore opportunities for protective mechanisms that could obviate the need for acquisition in certain areas, I used the prerogative of the chair to create a task force to study this bill, deliberate its several controversial elements, and strive to identify and develop consensus on any alternative proposals which could be submitted to Senators Lugar and Coats for possible inclusion in the Senate bill. In these objectives, I have the support and encouragement of both Senators and Congressmen Jontz and Visclosky."

The following NIRPC Commissioners, all elected officials in the three-county area, were invited to serve:

Sammie Maletta, Mayor, City of Portage
William R. Carmichael, Porter County Commissioner
Lu Radiger, Chesterton Town Council
Tom Esgate, Porter Town Councilman
E. Donald Bengel, P.E., Porter County Surveyor
Karen Hughes, Porter County Council
Robert Behler, Mayor, City of Michigan City
Elmo Gonzalez, Mayor, City of LaPorte
Michael Schultz, LaPorte County Councilman
Norman Pahs, LaPorte County Commissioner
Richard Comer, Deputy Mayor, City of Gary
Margaret Kuchta, Mayor, City of Hobart
Robert Crossk, Lake County Councilman
Carl Miller, Mayor, City of Lake Station
Rudy Clay, Lake County Commissioner

The NIRPC Task Force on the Indiana Dunes National Lakeshore Access & Enhancement Act met three times during the ensuing months. Each meeting had a distinct focus. On July 19th, the Task Force reviewed H.R. 3209 and speculated on what might happen in the U.S. Senate. On August 8th, the Task Force reviewed S.2882. Additionally, we were briefed by Al Hutchings, Chief, Division of Planning & Environmental Quality, Midwest Region of the National Park Service, who presented an excellent overview of NPS technical assistance programs and how they might function under the proposed legislation or in lieu of it.

By the time the third and last meeting approached, it was quite apparent that the primary issue of controversy and concern was the Salt Creek corridor and, to a lesser extent, the Little Calumet River corridor. Indeed, most of the participating Task Force members were elected officials from Porter County and virtually all of the citizens who closely followed our proceedings were affected property owners, primarily from Salt Creek.

Our final meeting of September 6th included a discussion by local planners representing political jurisdictions in the Salt Creek and Little Calumet River corridors. They dealt with land use, zoning, existing or proposed protection mechanisms, and existing or proposed public access sites or park lands. We also reviewed current federal, state and local wetland preservation programs, paying particular attention to the concept of a wetlands conservation overlay district, a protective mechanism that could be adopted on multi-jurisdictional basis.

Through all of these deliberations, we were ably and professionally assisted by Dale Engquist, Superintendent, Indiana Dunes National Lakeshore, who responded with efficiency and thoroughness to every request, offering maps, materials and other resources wherever appropriate. Two of our three meetings were held at the Bailly Ranger Station, located at the IDNL headquarters complex.

The Task Force maintained its information gathering and deliberative posture throughout all three meetings, and did not vote or develop any formal consensus on either bill or any elements of either bill. Nevertheless, Task Force participants can be clearly characterized as favoring protection of the river corridors. There was, however, disagreement and some ambivalence relative to how the river corridors' natural resources could best be protected. On one side, Porter County Commissioner William Carmichael voiced the Board of County Commissioners' official position: "no more acquisition; no more land removed from the tax rolls." Conversely, Thomas Esgate, Councilman, Town of Porter, advised that the town of Porter favored outright acquisition of the Little Calumet River corridor. He noted that the Town welcomed NPS financial assistance in maintaining and preserving the corridor and enhancing its recreational potential.

It is my feeling that, in the final analysis, Task Force members favored the language regarding the Salt Creek and Little Calumet River corridors as presented in S. 2882. To some, it represented the lesser of two objectionable alternatives. To others, it represented an acceptable means for maintaining local control. However, I believe local units of government should be given the opportunity to provide protection for the corridors before either is formally studied. If successful, a local effort protecting the corridors at no cost (either administrative or acquisition) to the National Park Service could set a precedent for efforts elsewhere.

Certainly, we are all interested in reducing federal costs in this time of record deficits. Perhaps a period of one or two years would be adequate to determine if local protection efforts are successful. If not successful, then a study mapping options to achieve protection could be pursued, with even acquisition considered. This should place sufficient incentive and pressure on local governmental officials and property owners to produce a workable and effective protection system.

In fact, our Task Force, with the addition of landowners, conservation organizations, state and federal agencies, could serve as a broad based committee representative of many interests which could collaborate with the NPS in the development, implementation and monitoring of a conservation strategy for the river corridors.

— In closing, and on behalf of NIRPC, my colleagues in elected office who share my pride that northwest Indiana is home to the beautiful and unique Indiana Dunes National Lakeshore, I wish to extend my warm appreciation and gratitude to Senators Lugar and Coats, Congressmen Visclosky and Jontz, and their fine staffs, for their efforts to develop a workable solution to protect, preserve and improve our precious natural resources.

PROPOSED TESTIMONY OF CARL DAHLIN, JR. BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

September 27, 1990

Mr. Chairman and Members of the Committee:

My name is Carl Dahlin, Jr. and I am the President of Johnson Inn, Inc. I and other members of my family also own several small parcels of land in close proximity to the Johnson Inn. These properties and the Johnson Inn property (the "Properties") are located in the Town of Porter in Porter County, Indiana. Their exact locations are described in the House Bill (HR 3209).

House Bill (HR 3209) and Senate Bill (S 2882) which are now before you, would grant the Federal Government authority for the first time to purchase private property located on the west side of Wabash Avenue in the Town of Porter and use it to expand the size of the Indiana Dunes National Lakeshore Park (the "Park"). For many years, Wabash Avenue has served as the boundary between proposed Park expansion plans and the preservation of private land holdings. For reasons not fully explained, this natural dividing line is now being disregarded.

Curiously, the only lands considered for condemnation are the Properties.[1] Even more curious is the fact that all of the lands immediately south and west of the Properties are untouched by the proposed legislation. These untouched lands include exclusive homesites and parcels that are being developed for the construction of exclusive homesites. Why are these exclusive residential properties and developments not included in the expansion plans? The answer would be very enlightening indeed.

After the House Bill was passed and the Senate Bill introduced, I hired legal counsel to explore the reasons for the proposed taking of the Properties. Discussions with Senate staff members and representatives of the National Park Service yielded only one purported substantive reason for the configuration of the proposed taking. It seems that the Service wants to construct handicapped parking places at the beachfront and according to their analysis of potential sites, the Properties were the best alternative.

In my view, there are several problems with this proposed plan. First, the Properties are separated from the beach by a road. In other words, any handicapped person parking in a lot constructed on the Properties would have to cross a roadway in order to reach the beach. Second, the size of the Properties would support the construction of more than four hundred (400) handicapped places. This plainly is an unreasonable number. In fact, I doubt whether the largest shopping mall in Washington, D.C. has four hundred (400) spots reserved for the handicapped.

---

[1] Based on my review of the maps derived from each bill, there are only three other properties that are not owned by a member of the Dahlin family. Therefore, it is accurate to say that almost all of the land under consideration for condemnation is owned by a member of the Dahlin family.

Furthermore, according to our informal appraisals, the cost of acquiring the Properties will exceed One Million Four Hundred Thousand Dollars ($1,400,000.00). Therefore, the proposal to condemn the Properties and convert them to handicapped parking places is neither feasible nor cost effective.

As an alternative, our counsel has discussed with Senate staffers and the Service the possibility of acquiring four (4) lots on the east side of Wabash Avenue for such handicapped spaces. These lots are better suited for conversion to handicapped spaces. First, the lots are located on the beach and handicapped persons could have direct access to the beachfront. Second, the property immediately south of the lots is an existing parking lot owned by the Town of Porter, and could be easily reconfigured to facilitate traffic flow to and from the handicapped area. Third, the acquisition costs associated with these parcels would be significantly lower than acquiring the Properties.[2]

---

[2] Currently, the four (4) lots are subject to a leaseback interest owned by me or other persons who have expressed an interest to sell their leaseback rights for a reasonable price. Obviously, any cost associated with the acquisition of a leaseback interest would be much less than the acquisition of a fee simple interest.

A second proposal was recently shared with the Service and Senate staffers. Under the second plan, the Service would acquire the existing Town of Porter parking lot and several lots south of the parking lot. Again the lots to be acquired are owned under leaseback arrangements by members of the Dahlin family. After the acquisition, the Town of Porter parking lot would be reconfigured to create handicapped parking. The land immediately south of the lot (already owned by the Service) and the Dahlin leasebacks would be developed into washroom facilities and parking spaces for the Town of Porter and Natural Lakeshore Park. Essentially, the Town of Porter parking spaces would be swapped for other spaces in the new lot.

In my opinion, the choice is clear. The Wabash Avenue boundary of the Park should be preserved and the handicapped parking spaces should be constructed on the four (4) lots on the east side of Wabash Avenue or under the terms of the second proposal. Although the proposals put forth by me makes sense, there seems to be some resistance to them from the Service. I would characterize this resistance as a conflict of personalities. Over the years, I have disagreed with the Service on many matters. Nevertheless, I do not think that such disagreements support a taking of the only remaining Properties owned by me and my family in the Town of Porter beach area.[3]

---

[3] It is important to note that my family and I lost several land holdings on the east side of Wabash at the time of the last Dunes expansion legislation. It does not seem justified that the proposed expansion of the Park and current legislation should again include only Dahlin properties.

In conclusion, I respectfully request this Committee to amend the current language of Senate Bill (S 2882) to exclude any properties west of Wabash Avenue. I pledge to work with the Service and other interested parties to convert our family's leaseback properties into an appropriate handicapped parking facility. Again, I am not merely asking for relief from the oppressive provisions of the current bill; I am also suggesting a more reasonable and cost effective solution to the stated problem of providing handicapped persons access to the beach.

I thank the Committee for its attention and consideration, and would be happy to respond (either personally or in writing) to any questions any Member of the Committee may have.

Mr. & Mrs. Wayne Tice
932 N. - 200 W.
Valparaiso, Indiana 46383

SEPTEMBER 21, 1990

SENATOR DALE BUMPERS
229 DIRKSEN BLDG.
WASHINGTON, D. C. 20510

SUBJECT: INDIANA DUNES NATIONAL LAKESHORE ACCESS AND ENHANCEMENT ACT.

DEAR SENATOR:

WE ARE OPPOSED TO ALL PARK EXPANSION AND STUDIES IN PORTER COUNTY, IN THE STATE OF INDIANA, AND THE UNITED STATES OF AMERICA AT THIS TIME.

PLEASE RECORD THIS LETTER AS WRITTEN TESTIMONY, WHEN EVALUATING LEGISLATION PERTAINING TO THE SENATE BILL S 2882

Sincerely,

Herbert W. Tice
Vera L. Tice

HERBERT W. & VERA L. TICE
932 N. 200 W.
VALPARAISO, INDIANA 46383

Mr. & Mrs. Wayne Tice
932 N. - 200 W.
Valparaiso, Indiana 46383

SEPTEMBER 5, 1990

SENATOR DALE BUMPERS
229 DIRKSEN BLDG.
WASHINGTON, D. C. 20510

SUBJECT: INDIANA DUNES NATIONAL LAKESHORE ACCESS AND ENHANCEMENT ACT.

DEAR SENATOR:

IN REFERENCE TO SENATE BILL S2882 & HR3209, I AM WRITING YOU TO ASK FOR YOUR SUPPORT TO "STOP" ALL EXPENDITURES OF MONIES FOR EXPANSION OF THE NATIONAL LAKESHORE PARK, UNTIL THE S & L MESS HAS BEEN CLEANED UP AND "PAIDFOR" AND THE MID-EAST CRISES SETTLED AND "PAID FOR".

ALL OF WASHINGTON NEEDS TO LEARN FISCAL RESPONSIBITY AND "STOP" THE "SPEND, SPEND, SPEND" AND THEN RAISE TAXES SYNDROME, AND START WITH "CUT, CUT, CUT" AND "NO NEW TAXES" WITH A PAY AS YOU GO SYNDROME.

REMEMBER THE GRAHAM, RUDMAN, HOLLINGS LAW.

REMEMBER TAX PAYERS ARE ALREADY OVERBUNDEN.

REMEMBER A STRONG ECONOMEY GENERATES TAXES.

REMEMBER A WEAK ECONOMEY SPENDS TAXES.

REMEMBER OVER TAXATION "STOPS" GROWTH

SINCERELY,
Herbert W. Tice
Vera L. Tice
HERBERT W. TICE
932 N. 200W.
VALPARAISO, INDIANA
46383

September 21, 1990

Dear Senator Dale Bumpers,

PLEASE RECORD THIS AS WRITTEN TESTIMONY CONCERNING S 2882
INDIANA DUNES NATIONAL LAKESHORE**S 2882

We are opposed to including 11 M (proposed campground addition Pine Twp) in this bill. We sold lakefront property to the Ind. Dunes Nat. Lakeshore in 1971--now they want us to move again.

National Park Service should develop what they already own especially the lakefront on Lake Michigan. East end by Mt. Baldy is ideal for campground --by lake--roads are in--walking distance to lake and close to Michigan City utilities.

NO PARK EXPANSION

NO PARK EXPANSION

NO PARK EXPANSION

Thanks for listening

John Fleck
Elvera Fleck

John and Elvera Fleck
209 Lakeshore County Road
Michigan City, Ind 46360
(Pine Twp.--north Porter County)

Phone 219-872-2941

275 West County Road 700 North
Valparaiso, Indiana 46383
September 21, 1990

Senator Dale Bumpers
364 Dirksen Building
Washington D.C. 20510

Dear Senator:

Please enter this as written testimony on S. 2882

No more expansion of the Indiana Dunes National Lakeshore Park in Porter County.
We are home and landowners along Salt Creek. We strongly oppose this bill. We want to keep our home, and land to enjoy with our generations to come.

No more expansion.

Thank you,
Sincerely,
Nancy Roof
Robert Roof

Sept 20, 1990
501 Greene Tree Pl
Fairborn, Oh
45324

Chairman of Subcommittee (Senators Coats and Lugar's Dunes Bill)
Public Land, National Park, & Forest
U.S. Senate
364 Dirkson
Washington, D.C.

Honorable Senator Bumper:

I am writing this letter as testimony to your subcommittee to be recorded, Senator Bumper.

I am opposing National Lakeshore expansion in Porter County Indiana. I also oppose Visclowski's bill 3209.

I know existing local and state environmentally protective laws would suit homeowners and the more considerate ecologists. The wetlands should be protected without expensive federal involvement.

I am writing in behalf of my mother and as her heir. My mother has invested everything she has ever earned into her little Calumet property and home. It is not fair for her to live under a cloud of not knowing what will be federally planned. If she ever had to leave, it would also not be fair to have to sell in a destabilized real estate market.

Yours truly,

Mark Shurman

Mark Shurman.

Sept 20, 1990
501 Greene Tree
Fairborn, Oh
45324

Chairman of Subcommittee (Senators Coats and Lugar's Dunes Bill)
Public Land, National Park, & Forest
U.S. Senate
364 Dirkson
Washington, D.C.

Honorable Senator Bumper:

I am writing this letter as testimony to your subcommittee to be recorded, Senator Bumper.

I am opposing National Lakeshore expansion in Porter County Indiana. I also oppose Visclowski's bill 3209.

I know existing local and state environmentally protective laws would suit homeowners and the more considerate ecologists. The wetlands should be protected without expensive federal involvement.

My mother in law is a naturalist and artist. Her life's work is in her home and ten acres along the Little Calumet. She does not want to live for three or four years in the Limbo of a federal wetland study. Consequently, fearing her efforts as a proud homeowner would never be justly rewarded. A willing seller, willing buyer real estate market with enforced local wetland conservation stipulations would be the only fair way for these homeowners.

Yours truly,

Sandra Shurman

Sandra Shurman

September 18, 1990

The Honorable Dale Bumpers,
Chairman, Subcommittee on Public Lands, National Parks and Forests
Senate Committee on Energy and Natural Resources
364 Dirkson Senate Office Building
Washington, D.C. 20510

Dear Senator Bumpers:

The Deep River Nature Society would like to make this letter part of the record of testimony on S 2882, the Indiana Dunes National Lakeshore Access and Enhancement Act.

The Deep River Nature Society is a local non-profit environmental group founded three years ago with the purpose of educating the public on environmental matters such as recycling and enjoying and preserving local natural areas with a focus on Deep River. We have monthly meetings with programs open to the public. During the warmer months we offer a nature hike at one of the local natural areas before the regular meeting.

We feel the expansion of the Lakeshore for recreation and protection of our remaining natural areas is so important for this highly populated region. We support Senators Lugar and Coat's bill wholeheartedly, especially the inclusion of the Hobart Prairie Grove, Calumet Prairie, and the study of the Deep River Corridor.

We would like to see as much preservation as possible in the Salt Creek and Little Calumet River corridors. From our experience with Deep River, we know their natural areas need protection from well-intentioned owners who fill in wetlands and "clean up" the natural plant and animal habitat to attain neatly mowed lawns and artificial duck ponds.

Primarily we would like to point out the value of our local natural areas: the Hobart Prairie Grove, Calumet Prairie, and the Deep River Corridor in our testimony.

The Hobart Prairie Grove, a tallgrass savanna, borders the wetlands of Lake George. This type of natural area is nearly extinct today because the "tallgrass savanna" on black, fertile, clay soil was so useful for agriculture, much more so than the sand savanna. Ironically, this open prairie woodland was actually the dominant landscape of much of the Midwest. Prairie groves of oaks blended with open tallgrass prairie in the presettlement Midwest. As an important component of the Lake Michigan watershed as well, the tallgrass savanna should definately be included in the Indiana Dunes National Lakeshore.

The Hobart Prairie Grove is of undoubtable National Park Service quality. It has been surveyed by several botanists including Dr. Gerould Wilhelm who has done the major botanical surveys of all the Lakeshore units and John Bacone, the Director of Indiana's Department of Natural Resources' Division of Nature Preserves. The Hobart Prairie Grove is the largest and best tallgrass savanna remnant in Indiana and the last chance to preserve this natural heritage according to these experts. The adjacent wetlands were evaluated by the Indiana Department of Natural Resources and were rated in the 1979 Technical Report No. 303 as #1 priority for acquisition in the Lake Michigan watershed because of their large size and diversity. The Prairie Grove offers expansive views of this wetland system and its many great blue and green-backed herons and other wildlife as well as protecting its ecological integrity.

How can this site's natural area value benefit the Indiana Dunes Nat'l Lakeshore's public with very little cost beyond land acquisition? Canoeing, hiking, "rails to trails", fishing, and nature study are forms of recreation that would be easily available to the people in the rapidly growing Merrillville, Crown Point, and Schererville areas as well as to the people in Hobart, Lake Station, New Chicago, and Gary. Such recreation so close to home really enhances the quality of life for people in this densely populated area.

Local political support for the Hobart Prairie Grove is excellent. Mayor Margaret Kuchta of Hobart is a strong advocate of the Prairie Grove's immediate acquisition in this Dunes bill. Also in favor are the Save the Dunes Council, Dunes-Calumet Audubon Society, Shirley Heinze Environmental Fund, and both the Dunelands Group and Hoosier Chapter of the Sierra Club.

We, too, want to see the Hobart Prairie Grove acquired as part of the Lakeshore because its continued existence is in jeopardy with the booming development of neighboring communities. This is not a controversial part of the Dunes bill. Most of the land is currently for sale or being reserved for preservation. No houses are involved.

The Calumet Prairie was rated a Grade A Natural Area by the Coastal Zone Management team surveying the natural areas in the Lake Michigan watershed several years ago. It has very high quality wet and mesic prairie.

As the Deep River Nature Society, we know the Deep River Corridor has not only some excellent natural areas, but is rich in Native American and pioneer history and artifacts. An unusual paleontological find are the 10,000 year old fossil remains of the northern coniferous forest buried beneath the "sandpits" (#10) near Deep River in Lake Station. (The #'s correspond to the map.)

Geologically, the Deep River Corridor is very related to the Indiana Dunes National Lakeshore. Where Deep River cuts lengthwise through the Calumet Dune, natural areas #4 through #10 are found. Natural area #1, the Hobart Prairie Grove, is between the Calumet and Glenwood Dunes.

The unusually good natural areas in the Deep River Corridor are there because early settlement and difficult conditions such as wetlands protected them from the agricultural destruction which has been so thorough in the Midwest.

Historically, the Deep River area was a favorite hunting, fishing, fruit gathering, meeting and ceremonial grounds for the Native Americans because it was so rich and had some high ground, a pleasant change from the massive wetland systems of the Grand Kankakee Marsh to the south and the Grand Calumet to the north.

The natural areas in the Deep River Corridor include fens. These fens are unusual, open wetlands fed by the groundwater which seeps out of the lower part of the steep bluffs overlooking Deep River. Sand savanna, just like that of the rest of Dune country, covers the upper bluffs and is particularly well preserved in the Van Buren Fen and Savanna (#9). Many rare plants including the purple fringed orchid grow in these river corridor natural areas, especially in the Van Buren Fen and Savanna and the "sandpits" area (#10).

The wet sand prairie of Dune country still exists in the Corridor with great diversity and rare plants as well. Lake Station itself has 21 plants listed by the Indiana Department of Natural Resources as rare to endangered.

The wildlife of the Deep River Corridor, surprisingly diverse, includes beavers, mink, deer, great horned owls, long-eared owls, screech owls, marsh hawks, great blue herons, green-backed herons, wood ducks, and even migrating sandhill cranes. Native fish in this section of the corridor are northern pike, largemouth and rock bass, crappie, bluegill, red-ear sunfish, bullheads, and channel catfish.

Sport fisherman can also fish for the large steelhead trout, chinook and coho salmon that congregate below the Warner dam (on map) near Burns Ditch in the spring.

Deep River, upstream from Lake George to at least 61st Avenue in Hobart and downstream into New Chicago and Lake Station offers canoeing all summer long since there is adequate water depth. Upstream from Lake George is a wilderness canoe experience with only the river and its native wildlife and woodland flora. Downstream from Lake George is a pleasant, easy trip on the wide river with much nature still to be seen despite the closeness to city life.

The Indiana Dunes National Lakeshore extends for about 21 miles along Lake Michigan. The Pinhook Bog, Heron Rookery, and Hoosier Prairie units of the Lakeshore are away from the Lake and are (as the crow flies) about 12, 5 1/2, and 20 miles respectively from the Park Headquarters. The Hobart Prairie Grove is (as the crow flies) approximately 12 1/2 miles from the Park Headquarters and 5 1/2 miles south of the Paul Douglas Center at Miller Woods of the Lakeshore. The Deep River Corridor through Lake Station and New Chicago is even closer. These distances are not unusual or unreasonable for the already spread out Indiana Dunes National Lakeshore.

Neither is the diversity of the ecological landscape offered by the Deep River Corridor and the Hobart Prairie Grove unusual for the Lakeshore. More than just sand dunes, the Lakeshore contains a great variety of plant communities including a bog.

The Deep River Corridor and the Hobart Prairie Grove are important to the National Park Service for their natural area, historical, and archeological quality. With this in mind, please realize that this is the area where the greatest number of people--voters, taxpayers, and potential Park users--actually live. Let's bring the National Park to where the people are and expand the Indiana Dunes Nat'l Lakeshore here at its west end. Acquire the Hobart Prairie Grove now, while it is still intact, and study the Deep River Corridor.

Sincerely,

Mrs. Kim Klimek

Mrs. Kim Klimek
President of the Deep River Nature Society
P.O. Box 5356
Lake Station, IN 46405

Enclosure: Map of the Deep River Corridor

ECOLOGY

Memo Pad

Circulate to: ____ From: ____

Phone #: ____ Fax #: ____

Date: Sept. 18th '90 Pages to follow: ____

Subject: ____

Message: Dear Senator Bumpers,

The purpose of this letter is to ask you to combine the preservation provisions of HR 3209 and S2882 and enact the Dunes Expansion into law without further delay.

I understand that the bill includes several provisions of the House passed bill and adds two very important areas for preservation: The Hobart Prairie Grove, which I live by, and a portion of Beverly Shores wetlands. I also understand that 1,297 acres would be added to the Indiana Dunes National Lakeshore by passage of this bill.

I request that my letter be made part of the record of testimony on S2882, The Indiana Dune National Lakeshore Access & Enhancement Act. Thank you.

Very Sincerely,

Shirley Ann Kobe
249 Woodland Lane
Hobart, Indiana
46342
219-942-0389

Recorded as written testimony on Senate Bill S2882

September 21, 1990

Honorable Dale Bumpers
Chairman Senate Sub-committee on
Public Lands, National Parks and
Forests
364 Dirksen Building
Washington, D.C. 20510

Dear Senator Bumpers,

The Salt Creek and Little Calumet Preservation Association was formed with two key ideas:

1) To protect the ecology of the property along these river corridors and other sensitive areas within Porter County,

2) To help property owners maintain ownership of their property without being forced into federal acquisition or a costly 3 year study.

To accomplish this, we have devised a local plan using existing state and local laws along with the homeowners that are in the affected area joining into a conservation easement to document that private homeowners can enforce wetland protection, with the help of the local officials and state and county agencies.

Our conservation easement, included in this package were voted for and adopted by the Porter County Commissioner 9/17/90, along with a resolution supporting the concept that homeowners can maintain and control the wetlands on their private property. We feel that our program and methods can be utilized successfully and at a much lower cost than acquisition. We also feel that a study of this area would not be necessary because we do have a plan that is backed up by local and state laws. With these documents and the support of our county government and homeowners, We feel we have proven that a multi-million dollar study and acquisition would not be prudent at this time with our deficit, the savings and loan crisis, and the military action in the Persian Gulf.

Senator Bumpers, we hope you review our legal work and help support us in our opposition of a study and/or acquisition in S2882 and/or HR3209. We feel that homeowners and local government are the solution. They are an unused resource, that if used properly can protect and preserve our environment for generations.

Sincerely,

Stephen Freeman

Stephen Freeman, President-Salt Creek
& Little Calumet River Preserv. Assoc.
772 North 200 West
Valparaiso, Indiana 46383

CONSERVATION EASEMENT

This easement made this _____ day of _______________, 1990, by and between ____ (hereinafter referred to as "Grantor") and THE PORTER COUNTY BOARD OF COMMISSIONERS, Porter County, Indiana (hereinafter referred to as "Grantee").

WHEREAS, the Grantor is the owner of certain real estate known as ____ and located in Porter County, Indiana; and,

WHEREAS, the Grantor's lands contain natural scenic open space or wetland areas, which the Grantee desires to protect and preserve.

NOW, THEREFORE, the Grantor for and in consideration of the sum of One and 00/100 Dollars ($1.00) and the mutual conditions and covenants hereinafter contained, does hereby convey to the Grantee, upon acceptance by the Grantee, within _________ months from the date hereof, a conservation easements described on Exhibit A attached hereto run with the land for the purpose of:

1) Retaining and protecting natural, scenic, open space or wetland values of said property; and,
2) Assuring the availability of said property for agricultural, forest, open space and wetland use; and,
3) Protecting natural resources of said property, including flood plains as designated by Porter County Commissioners Ordinance Number 82-8 and wetlands consisting of at least five (5) acres in size that appear on the most current National Wetlands Inventory (NWI) Map or Maps published by the U.S. Fish and Wildlife Service for areas subject

to the planning and zoning jurisdiction of the Porter County Commissioners, Porter County, Indiana; and

4) Maintaining or enhancing of air or water quality of said property.

To attain the purposes of this easement, the Grantor except as needed in the course of prudent agricultural activity, agrees not to commit or allow within the easement any dumping of material, excavation, changing of watersheds or drainage patterns, air or water pollution, killing or removal of vegetation, logging, the construction of permanent structures or any other action detrimental to the purposes of this easement.

Said easement shall not grant, nor be interpreted to grant, any right to public access, public recreation, hunting, fishing, or trapping, in or on the above described property.

And ____________________________, being the owner and holder of a certain ________________________________ lien which is filed of record in the Office of the Recorder of Porter County, Indiana, on _______________ and found in Book _____________, Page __________, as duly recorded against said premises, does hereby join in and consent to said conveyance free of said lien.

The Grantees offer this conservation easement to the Board of Commissioners of Porter County subject to the following terms and conditions, to-wit:

A) The Grantee recognizes that proper surface water drainage is necessary and desirable for the health, safety and welfare of the citizens of Porter County and that the offer by the Grantor or acceptance by the Grantee of this easement shall not restrict, prohibit or in any manner adversely affect the right or ability of Porter County or the Porter County Drainage Board to construct, reconstruct, maintain, repair or otherwise govern, manage or control surface water drainage through legal drains located within the legal description of the conservation easement herein granted notwithstanding any other terms, statements or definitions set forth herein which may be interpreted to the contrary.

B) The Grantor conveys to the Grantee, Porter County Board of Commissioners, the following enforcement or other rights which may be implemented or utilized solely in the discretion of the Porter County Board of Commissioners or its authorized designee:

i) A right to inspect the property described by the conservation easement set forth in this document at all reasonable times to carry out the stated purposes of this easement. Further the Grantor hereby gives to the Grantee the right to enter upon the Grantors property adjacent to this easement for the purpose of ingress and egress to the easement.

ii) A right to provide for enforcement of this easement by "third-party right of enforcement" as set forth in I.C. 32-5.2-6-1 as amended from time to time. NO third party enforcement may be sought, unless same has been specifically consented to by the Porter County Board of Commissioners.

iii) A right to enforce through restraining order, injunction, suit, for damages or any other form of legal relief available through state or federal courts or administrative bodies having jurisdiction by reason of the terms of this and or applicable state, federal law, statutes or regulations.

iv) A right to the Grantee of reimbursement from the Grantor of all administrative or out of pocket expense, including; but not limited to, court costs, reasonable witness fees, attorney fees, investigation fees, laboratory or testing fees incurred by the Grantee, its authorized designee or authorized third party (as previously defined) in the enforcement of the terms and conditions of this easement upon the occurrence of an adjudication of a violation by the Grantee subsequent to the creation of this conservation easement pursuant to the terms of Section B iii above. Any such expenses incurred by the Grantee, may at the discretion of the Grantee, be reduced to judgment, certified to the County Recorder as a lien against the property of the Grantor and thereafter certified to the county Treasurer for collection as if said expenses were real estate taxes.

The terms "Grantor" and "Grantee" when used herein, shall be either masculine or feminine, singular or plural, as the case may be, and the provisions of this instrument shall bind the parties mutually, their heirs, successors, personal representatives and assigns.

Witness the ~~hands and~~ seals of the undersigned Grantor on the day and year hereinbefore written.

LENDER

By:_________________________

____
GRANTOR

____
GRANTEE

STATE OF INDIANA)
) SS:
COUNTY OF LAKE)

Subscribed and sworn to before me, a Notary Public in and for said County and State, this ______ day of __________________, 1990.

My Comm. Expires:

____

____
Notary Public,
County of Residence:_______________

This easement is accepted by the PORTER COUNTY BOARD OF COMMISSIONERS, Porter County, Indiana, on this _____ day of _____________________, 1990.

____

____

____

Library References

Easements ⇐11.

C.J.S. Easements § 19.

32-5-2.5-3 Instrument; requisites

Sec. 3. Any instrument creating a solar easement shall include:

(1) The vertical and horizontal angles, expressed in degrees, at which the solar easement extends over the real property subject to the solar easement, and a description of the real property to which the solar easement is appurtenant.

(2) Any terms, conditions, or both, under which the solar easement is granted or will be terminated.

As added by Acts 1980, P.L.185, SEC.1.

Library References

Easements ⇐12(1).

C.J.S. Easements § 23.

Chapter 2.6. Uniform Conservation Easement Act.

Section
32-5-2.6-1 Definitions
32-5-2.6-2 Creation, conveyance, etc., of easements; acceptance; recordation; duration; rights of parties and others protected

Section
32-5-2.6-3 Actions authorized; power of court
32-5-2.6-4 Validity of easements
32-5-2.6-5 Application of chapter
32-5-2.6-6 Construction of chapter
32-5-2.6-7 Taxation

UNIFORM CONSERVATION EASEMENT ACT

Table of Jurisdictions Wherein Act Has Been Adopted

For text of Uniform Acts and variation notes and annotation materials for adopting jurisdictions, see Uniform Laws Annotated, Master Edition, Volume 12.

Jurisdiction	Statutory Citation
Alaska	AS 34-17.010 to 34.17.060.
Arizona	A.R.S. §§ 33-271 to 33-276.
District of Columbia	D.C.Code 1981, §§ 45-2601 to 45-2605.
Idaho	I.C. §§ 55-2101 to 55-2109.
Indiana	West's A.I.C. 32-5-2.6-1 to 32-5-2.6-7.
Kentucky	KRS §§ 382.800 to 382.860.
Maine	33 MRSA §§ 476 to 479-B.
Minnesota	M.S.A. §§ 84C.01 to 84C.05.
Mississippi	Code 1972, §§ 89-19-1 to 89-19-15.
Nevada	N.R.S. 111.390 to 111.400.
Texas	V.T.C.A., Natural Resources Code §§ 183.001 to 183.005.
Virginia	Code 1950, §§ 10.1-1009 to 10.1-1016.
Wisconsin	W.S.A. 700.40

Cross References

Maumee River basin commission.
  Powers used for purposes of this chapter, see section 36-7-6.1-21.
  Restrictions on powers, see section 36-7-6.1-23.

32-5-2.6-1 Definitions

Sec. 1. As used in this chapter, unless the context otherwise requires:

"Conservation easement" means a nonpossessory interest of a holder in real property imposing limitations or affirmative obligations the purposes of which include:

(2) a holder of the easement;

(3) a person having a third-party right of enforcement; or

(4) a person authorized by other law.

(b) This chapter does not affect the power of a court to modify or terminate a conservation easement in accordance with the principles of law and equity, or the termination of a conservation easement by agreement of the grantor and grantee. *As added by P.L.161-1984, SEC.1.*

Historical and Statutory Notes

1984 Enactment. This section is new.

32-5-2.6-4 Validity of easements

Sec. 4. A conservation easement is valid even though:

(1) it is not appurtenant to an interest in real property;

(2) it can be or has been assigned to another holder;

(3) it is not of a character that has been recognized traditionally at common law;

(4) it imposes a negative burden;

(5) it imposes affirmative obligations upon the owner of an interest in the burdened property or upon the holder;

(6) the benefit does not touch or concern real property; or

(7) there is no privity of estate or of contract.

As added by P.L.161-1984, SEC.1.

Historical and Statutory Notes

1984 Enactment. This section is new.

32-5-2.6-5 Application of chapter

Sec. 5. (a) This chapter applies to any interest created after September 1, 1984, which complies with this chapter, whether designated as a conservation easement or as a covenant, equitable servitude, restriction, easement, or otherwise.

(b) This chapter applies to any interest created before September 1, 1984, if it would have been enforceable had it been created after that date, unless retroactive application contravenes the constitution or laws of Indiana or the United States.

(c) This chapter does not invalidate any interest, whether designated as a conservation or preservation easement or as a covenant, equitable servitude, restriction, easement, or otherwise, that is enforceable under other Indiana law. *As added by P.L.161-1984, SEC.1.*

Historical and Statutory Notes

1984 Enactment. This section is new.

32-5-2.6-6 Construction of chapter

Sec. 6. This chapter shall be applied and construed to effectuate its general purpose to make uniform the laws with respect to the subject of the chapter among states enacting it. *As added by P.L.161-1984, SEC.1.*

Historical and Statutory Notes

1984 Enactment. This section is new.

32-5-2.6-7 Taxation

Sec. 7. For the purposes of IC 6-1.1, real property subject to a conservation easement shall be assessed and taxed on a basis that reflects the easement. *As added by P.L.161-1984, SEC.1.*

New Laws on Use of Indiana's Recreational Streams

by David C. Ford
Indiana Farm Bureau, Inc.
General Counsel

Conflicts have often arisen between members of the public wishing to boat on Indiana's rivers and streams and the adjacent landowners over the permissible use of those waterways. [illegible] attempted to address the problem [illegible] the enactment of a [illegible] Streams Act, Ind. Code 13-2-32.

The new law defines a stream as a natural or altered river, creek, slough or artificial channel that has definable banks and a bed capable of conducting confined runoff, visible evidence of water and a watershed of at least one square mile.

The Natural Resources Commission now will be required to adopt rules for the designation of streams or portions of streams as "recreational streams" after public hearing. [illegible] stream that is capable of use by watercraft may be used by any person for boating, fishing or other recreational purposes. The right of persons to use the stream is limited to the water within the stream.

Ford

A user may not use the bed or bank of the stream except in an emergency and may not gain access to the stream over private land.

The use of a stream designated imposes no duty upon the adjacent land[illegible] the safe [illegible] ownership of the bed of the stream nor a [illegible] navigability.

The act further imposes criminal penalties on anyone who throws, dumps or leaves refuse in the waters or on the banks of a recreational stream or who [illegible] gain access to a designated stream without the permission of the landowner or tenant of the land.

◇◇◇

This article is provided for the general information of the reader in regard to the subject matter covered. It is not intended as a legal opinion on specific issues and should not be used to solve individual problems. If legal advice or other expert assistance is required, the services of a competent professional should be sought.

Timber Bridge Event Features Prototypes

Several timber bridge design prototypes will be on display during the two-day Ohio River Valley Timber Bridge Conference slated for Sept. 17-18.

Set for Clifty Inn, Clifty Falls State Park, Madison, the meeting deals with the value, use and economics of modern preservative-treated timber bridges.

"Sessions are designed for county and state officials, engineers, real estate developers, planners and others who might benefit from the advantages that modern timber bridges offer," said Bill Howard, IFB Natural Resources Department.

The display bridges will feature construction using native Indiana pin oak and other hardwood species. "Unique designs and concepts open the door to the use of other native hardwoods for bridge construction in the Midwest," Howard said.

Conference options include a Bonnie Belle Riverboat Cruise and a tour of Historic Madison. Conference registration before Aug. 10 is $60. An additional $20 will be charged after the 10th.

Registration information may be obtained from: Timber Bridge Conference, Historic Hoosier Hills RC&D, P.O. Box 407, Versailles, IN 47042. The phone is (812) 689-6456.

County Farm Bureau Meetings Update

SEPTEMBER

6 Harrison County annual meeting, 7:30 p.m., Corydon H.S.

10 Fayette County annual membership meeting, 6:30 p.m., Elmhurst on State Road 121

11 Franklin County annual meeting, 6:30 p.m., Franklin County High School cafeteria

11 Monroe County board meeting, 7 p.m., Insurance Building, Bloomington

17 Tipton County annual meeting, 6:30 p.m., Tipton 4-H Building

18 Sullivan County annual meeting, 6:30 p.m., 4-H Building, Sullivan

19 Johnson County annual meeting, 6:30 p.m., Franklin College

19 Carroll County annual meeting, 6:30 p.m., Honan Hall, Delphi

20 Lawrence County annual meeting, 6:30 p.m., UAW Hall

23 Warrick County meeting, 12:30 p.m., 4-H Center

24 Lake County meeting, 8 p.m., Farm Bureau Building

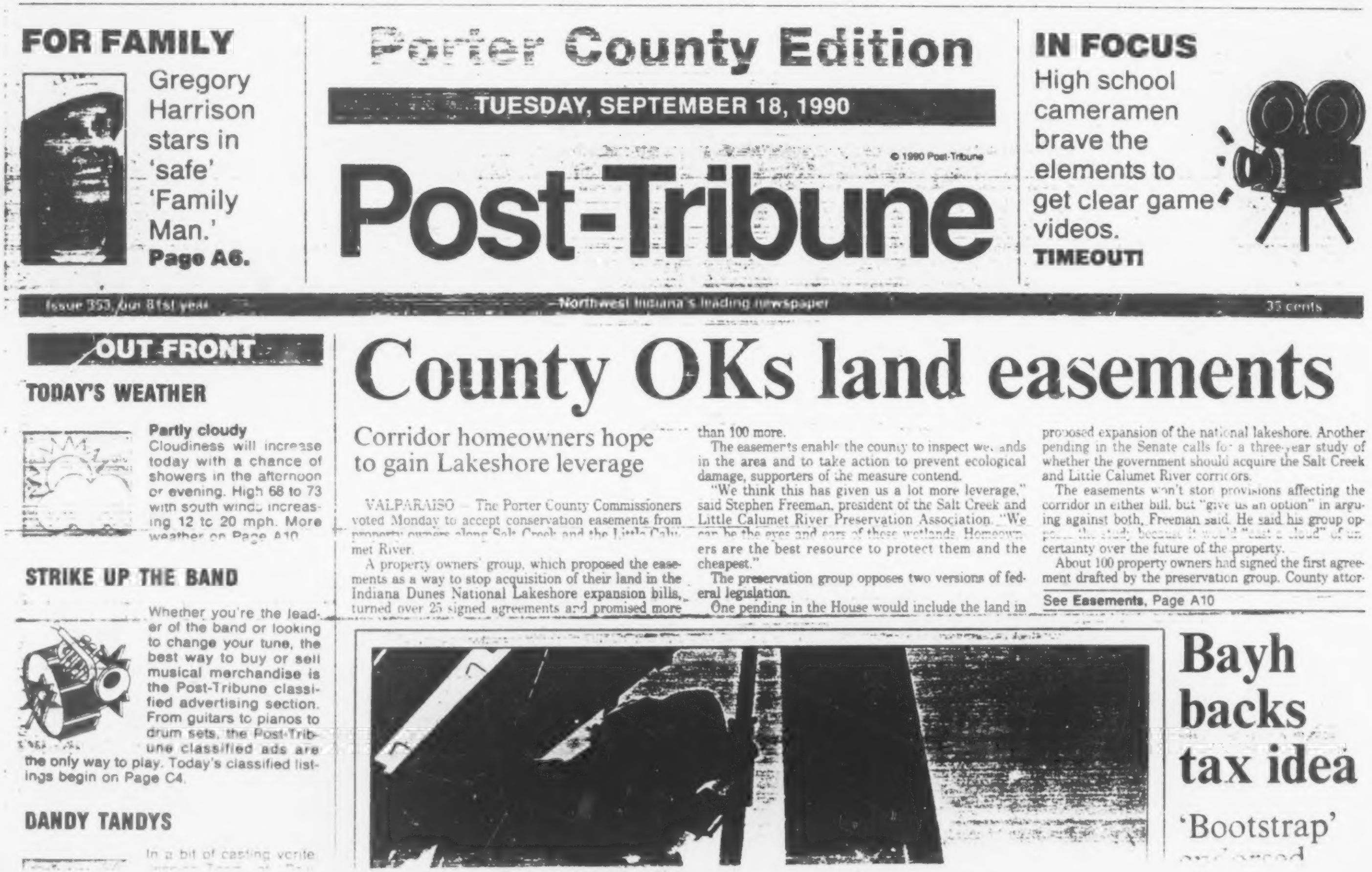
27 Floyd County annual meeting, 7 p.m., New Albany

OCTOBER

8 Monroe County annual meeting, 6:30 p.m., Community Building, Fairgrounds

18 Lawrence County board meeting, 7 p.m., Farm Bureau Building

22 Lake County meeting, 8 p.m., Farm Bureau Building



FOR FAMILY

Gregory Harrison stars in 'safe' 'Family Man.' **Page A6.**

Porter County Edition

TUESDAY, SEPTEMBER 18, 1990

© 1990 Post-Tribune

Post-Tribune

IN FOCUS

High school cameramen brave the elements to get clear game videos. **TIMEOUT!**

Issue 353, our 81st year — Northwest Indiana's leading newspaper — 35 cents

OUT FRONT

TODAY'S WEATHER

Partly cloudy

Cloudiness will increase today with a chance of showers in the afternoon or evening. High 68 to 73 with south winds increasing 12 to 20 mph. More weather on Page A10.

STRIKE UP THE BAND

Whether you're the leader of the band or looking to change your tune, the best way to buy or sell musical merchandise is the Post-Tribune classified advertising section. From guitars to pianos to drum sets, the Post-Tribune classified ads are the only way to play. Today's classified listings begin on Page C4.

DANDY TANDYS

In a bit of casting verite

County OKs land easements

Corridor homeowners hope to gain Lakeshore leverage

VALPARAISO — The Porter County Commissioners voted Monday to accept conservation easements from property owners along Salt Creek and the Little Calumet River.

A property owners' group, which proposed the easements as a way to stop acquisition of their land in the Indiana Dunes National Lakeshore expansion bills, turned over 25 signed agreements and promised more than 100 more.

The easements enable the county to inspect wetlands in the area and to take action to prevent ecological damage, supporters of the measure contend.

"We think this has given us a lot more leverage," said Stephen Freeman, president of the Salt Creek and Little Calumet River Preservation Association. "We can be the eyes and ears of these wetlands. Homeowners are the best resource to protect them and the cheapest."

The preservation group opposes two versions of federal legislation.

One pending in the House would include the land in proposed expansion of the national lakeshore. Another pending in the Senate calls for a three-year study of whether the government should acquire the Salt Creek and Little Calumet River corridors.

The easements won't stop provisions affecting the corridor in either bill, but "give us an option" in arguing against both, Freeman said. He said his group opposes the study because it would "cast a cloud" of uncertainty over the future of the property.

About 100 property owners had signed the first agreement drafted by the preservation group. County attor-

See **Easements**, Page A10

Bayh backs tax idea

'Bootstrap'

Easements

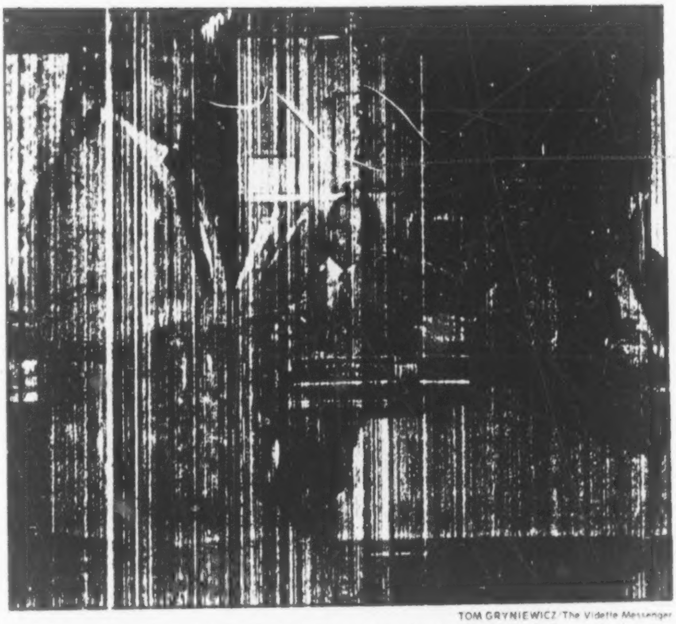
From Page A1

ney Robert Welsh then suggested several changes that were acceptable to the group.

Freeman said 25 signatures were obtained on the new agreement during the weekend and he predicted that almost all of the 140 affected property owners would sign it.

Some of the changes Welsh suggested — including potential penalties and prohibited activities on the wetlands — were in response to comments by the Save the Dunes Council. The council supports inclusion of the corridor in the lakeshore expansion bill pending in the House.

Charlotte Read, executive director of the council, acknowledged the new agreement contained im-



TOM GRYNIEWICZ/The Vidette Messenger

Stephen Freeman explains his position to the county Board of Commissioners Mor[illegible]. In back are commissioners William Carmichael and Brian Gesse.

Expansion sides closer

County accepts protection plan

by Steve Walsh
The Vidette Messenger

VALPARAISO — Though there is still distance between landowners and environmentalists, the sides are showing signs of cooperation on the National Lakeshore.

The county Board of Commissioners Monday accepted conservation easements from Salt Creek and Little Calumet landowners — so far signed by 25 of an estimated 140 effected landowners along the corridors.

The easements give the county the right to inspect wetland and riverine areas on private land, and binds landowners to paying court costs and testing fees to enforce state and federal laws governing conservation easements and natural areas.

Though agreements had been signed by homeowners before this one, residents believe this plan has enough teeth to fullfill the desires of the Senate — currently considering a bill to include about 1,200 acres land along the two rivers in a three-year protection study as part of a National Lakeshore expansion bill.

"We went out on a limb to accept this," said Tom Kovey, treasurer of the Salt Creek and Little Calumet Preservation Association, and one of its oraganizers.

But Save The Dunes Council Executive Director Charlotte Read said her group still has some serious reservations about the agreements, especially because they only cover unincorporated areas of the county, and, in her opinion, don't fill in the gaps left in state and federal law.

"Fill, dredging and destroying wetlands is still perfectly legal with the proper permit," she said.

Kovey said his group feels the easement agreement is tight enough, since it authorizes the county to check for violations and report them to state and federal agencies — whose statutes go into great detail.

He added, if any enforcement gaps come up, the group is keeping an open mind regarding changes.

Read added Save The Dunes is heartened by the new groups fervor and willingness to construct a solid protection plan.

"I don't mean to say they are not working towards an agreement, but I don't feel they are there yet."

Far from the antagonistic

See AGREE on page 10A

Support Dunes bill

by Steve Walsh
The Vidette-Messenger

VALPARAISO — Seeking to address a Senate subcommittee hearing Sept. 27 with a unified front, the county Board of Commissioners signed a resolution supporting the Senate version of a Dunes expansion bill.

But the board had at least one major reservation to the the bill created by Indiana republican Senators Richard Lugar and Dan Coats.

The resolution closely mimics the stance taken by the resident group Stop Taking Our Property, which supports the bill, with clarification.

The major exception is the county remains opposed to a three-year study of the Salt Creek and Little Calumet River corridors.

STOP has supported the study designed to create local protection plans with the input of local government, residents and environmentalists, and run by the National Park Service.

The only condition STOP placed is that the study be more well defined and its scope take in only natural areas and not homes and useable farmland.

Commissioner William Carmichael said the county doesn't want the river corridors even in a well-defined study, siding with the Salt Creek and Little Calumet River Preservation Association.

That group wants to avoid a study entirely by putting together a local protection plan before the bill passes.

Agree

Continued from page 1A

relationship which developed between the environmental group and Stop Taking Our Property (STOP), which originally formed to oppose the House version of the expansion bill, at Monday's meeting both the association and council made inroads toward future cooperation.

"I would like to have Save The Dunes help us educate our property owners on proper conservation," said Steve Freeman, president of the preservation association.

"Who would be better to teach preservation?"

Read said Save The Dunes has always been willing to help residents in an atmosphere of cooperation.

Kovey said he saw conservation easements working in tandem with some sort of county protection ordinance, so there could also be local enforcement.

But Commissioner William Carmichael said he was not in favor of any new ordinance governing wetlands, feeling county controls banning building in a flood plain are strong enough to protect the land.

He added much of the land along the two river corridors is already zoned as future park land in the county master plan, which would further bar contractors or industry from building along the natural areas.

ORDINANCE NO. 82-8

AN ORDINANCE OF PORTER COUNTY, INDIANA, ESTABLISHING A FLOOD PLAIN ZONING ORDINANCE OF THE COUNTY, MAKING PROVISIONS FOR ENFORCEMENT THEREOF AND PENALTIES FOR THE VIOLATION THEREOF

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WHEREAS, a study of the flood prone areas in Porter County, Indiana, has been completed, identifying areas prone to flooding in conjunction with the National Flood Insurance Program; and

WHEREAS, it is in the public interest to control land use so as to minimize or eliminate existing or potential flood hazards within such areas; and

WHEREAS, an Ordinance controlling land use in flood prone areas is a prerequisite to participation in the National Flood Insurance Program;

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED By The Board of Commissioners of Porter County, Indiana:

ARTICLE I.

Short Title

This Ordinance shall be known as the Flood Plain Zoning Ordinance of Porter County, Indiana, and the maps herein referred to which are identified by the titles "Flood Boundary and Floodway Map" and "Federal Insurance Rate Map" and which are dated April 1, 1982 shall be known as the "Floodway" and "FIRM" Maps of Porter County, Indiana, and all explanatory matters thereon are hereby adopted and made a part of this Ordinance.

ARTICLE II.

Definitions

Federal Insurance Administration	- For purposes of this Ordinance, the Federal Agency charged with the Administration of the National Flood Insurance Program.
Natural Resources	- Means the Indiana Natural Resources Commission.
Flood or Floodwater	- Means the water of any lake or water course which is above the banks and/or outside the channel and banks of such water course.

Flood Hazard Area - Means any flood plain, floodway, fringe district or any combination thereof.

Flood Protection Grade - Means the elevation of the lowest floor of a building or structure. If a basement is included, the basement floor is considered the lowest floor. Exception: If a commercial or industrial building is floodproofed as hereinafter defined, the term "Flood Protection Grade" applies to the water surface elevation for which the building is protected.

Floodproofed Building - Means a commercial or industrial building designed to exclude flood waters from the interior of that building. All such floodproofing shall be adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with a regulatory flood.

Regulatory Flood - Means that flood having a peak discharge which can be expected to be equaled or exceeded on the average of once in a 100 year period, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission. This flood is equivalent to a flood having a probability of occurrence of one percent in any given year.

Regulatory Flood Profile - Means a longitudinal profile along the thread of a stream showing the maximum water surface elevation obtained by the regulatory flood.

Substantial Modification - Means any alteration, repair, enlargement or extension of an existing building. Such substantial modification is considered to occur when the first alteration of any wall, ceiling, floor or other structural element of the building commences. This term does not, however, include either (1) any project for improvement of a structure to comply with existing health, sanitary or safety codes specifications or (2) any alteration of a structure listed on the National Register of Historic Places or the Indiana State Survey of Historic, Architectural, Archaelogical and Cultural Sites, Structures, Districts and Objects.

Mobile Home Tie Downs - Means sufficient anchorage to resist flotation, collapse or lateral movement of any mobile home. At a minimum such anchorage shall consist of one (1) over-the-top ties to be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations; in mobile homes less than fifty feet long one additional tie per side; (2) frame ties to be provided at each corner of the home with five additional ties per side at intermediate points; mobile homes less than fifty feet long requiring four additional ties per side; (3) all components of the anchoring system is capable of carrying a force of 4,800 pounds; and (4) any additions to the mobile home be similarly anchored.

Development - Any man-made change to improved or unimproved real estate including, but not limited to, buildings and other structure, mining, dredging, filling, grading, paving, excavation or drilling operations.

Flood Plain - Means any flood plain, floodway or floodway fringe district or combination thereof as illustrated on the Flood Boundary and Floodway Map as prepared by the Federal Insurance Administration.

Structure - Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, detached garages, cabins, mobile homes, and other similar items.

ARTICLE III.

Conflicting Provisions of the Zoning Ordinance

Within a designated Floodway or Floodway Fringe, the provisions of this ordinance relative to land use and control and other measures designed to minimize or eliminate existing or potential flood hazards shall take precedence over any conflicting provisions of the Zoning Ordinance.

ARTICLE IV.

Districts

Basis for Establishing Flood Plain Districts - The flood plain districts (areas subject to inundation by the regulatory flood) as identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Porter County dated April 1 1983 with the accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps along with any subsequent revisions to the text or maps are hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at the Office of the Clerk/Treasurer.

Floodway (FW) District - The purpose of the Floodway (FW) District is to guide development in areas identified as a Floodway. The identification of these areas may be made by reference to the "Floodway Boundary and Floodway Map" prepared for the Federal Insurance Administration in connection with the National Flood Insurance Program, provided, however all such identification shall be made in compliance with the current rules, procedures and policies of Natural Resources. Natural Resources exercises primary jurisdiction in the Floodway (FW) District under the provisions of I.C. 1971, 13-2-22-1, et seq., however, the Porter County Plan Commission may impose terms and conditions on any permit it issues in this district which are more restrictive than those imposed by Natural Resources. The Floodway (FW) District may stand by itself or be combined with any other District.

Floodway Fringe (FF) District - The purpose of the Floodway Fringe (FF) District is to guide development in areas subject to potential flood damage, but outside an identified Floodway (FW) District. The identification of these areas may be made by reference to the "Floodway Boundary and Floodway Map" prepared for the Federal Insurance Administration in connection with the National Flood Insurance Program. The Floodway Fringe (FF) District may stand by itself or be combined with any other district. The principal requirement to this District is that the flood protection grade of all buildings shall be a least two feet above the Regulatory Flood Profile.

In the "FW" and "FF" Districts established herein, the degree of flood protection established in this ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes such as ice or debris jams. This ordinance does not imply that areas outside flood hazard districts, as defined herein, will be free of flooding or flood damage. This ordinance does not create any liability on the part of Porter County, Indiana, The Board of Commissioners of Porter County, the Porter County Drainage Board, Plan Commission, Board of Zoning Appeals, the Building Commissioner of Porter County, Natural Resources, the State of Indiana, or any elected or appointed official or employee thereof for any damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

Flood Plain (FP) District - The purpose of the Flood Plain (FP) District is to guide development in areas where a potential for damage from floodwaters exists, but for which no detailed flood data has been developed by the Federal Insurance Administration. These areas are identified as approximate 100 year flood boundaries on the Flood Boundary and Floodway Maps for the Federal Insurance Administration as part of the National Flood Insurance Program. The Flood Plain (FP) District may stand by itself or be combined with any other districts.

ARTICLE V.

Permitted Uses - By Right

a. Floodway (FW) District and Flood Plain (FP) District -

The following usage shall be permitted by right, provided they do not involve the erection of any structure or obstruction, the opening of any excavation or the depositing of any material or substance.

1. Agricultural uses such as the production of crops, pastures, orchards, plant nurseries, vineyards and general farming.

2. Forestry, wildlife areas and nature preserves.

3. Parks and recreational uses, such as golf courses, driving ranges and play areas.

b. Floodway Fringe (FF) District - The following uses shall be permitted by right:

1. All facilities, structures, uses and buildings consistent with other provisions of this ordinance such as businesses, medical facilities, community and government buildings, industrial facilities, restaurants, commercial facilities, storage facilities, mobile homes, utility buildings, amusement facilities, residential buildings, and civic or fraternal facilities, may be constructed in this district provided that the flood protection grade for all buildings shall be at least two feet above the regulatory flood profile. Further, mobile homes must have pads (concrete or stands of compacted fill) at or above the elevation of the regulatory flood and must be provided with ground anchors meeting Mobile Home Tie Downs; Schedule A. In addition, adequate drainage and access for a hauler shall be provided. Flood proofed nonresidential buildings may also be constructed in this district provided that the plans and specifications for all necessary structural facilities and modifications are certified by a Professional Engineer or Registered Architect licensed to practice in Indiana. Also, onsite waste disposal

systems must be so located as to avoid impairment of them or contamination from them during the occurrence of the regulatory flood.

ARTICLE VI.

Permitted Uses - By Special Exception

a. Floodway (FW) District - The following special exception uses may be permitted in the Floodway (FW) District only after a permit for construction in a Floodway has been granted by Natural Resources. All terms and conditions imposed by Natural Resources will be incorporated in any permit issued by the Plan Commission. The Plan Commission may impose greater restrictions. All buildings or additions to existing buildings shall have flood protection grades at least two feet above regulatory flood profile.

1. Water management and use of facilities, such as dams, docks, channel improvements, dikes, jetties, marinas, piers, wharves, levees, seawalls, floodwalls, weirs and irrigation facilities.

2. Transportation facilities, such as streets, bridges, roadways, fords, airports, pipe lines, railroads and utility transmission facilities.

3. Temporary or seasonal flood plain occupancy, such as circus sites, fair sites, carnival sites, boat ramps, camps, roadside stands and transient amusement facility sites.

4. Water-related urban uses, such as waste-water treatment facilities, storm sewers, electric generating and transmissions facilities and water treatment facilities.

5. Other flood tolerant or open space urban uses, such as floodproofed buildings, race tracks, tennis

courts, park buildings, outdoor theatres, fills, truck freight-terminals, radios, or TV towers, parking lots and mineral extractions.

Flood-proofing of non-residential structures, if proposed, must be in accordance with the definition of a floodproofed building as set forth in this ordinance and must be so certified by a professional engineer or a registered architect licensed to practice in the State of Indiana.

The structure or structures, if permittted in the floodway, shall be constructed on the building sites so as to minimize obstruction to the flow of floodwaters.

b. Flood Plain (FP) District - The following special exception uses may be permitted in the Flood Plain (FP) District only after a proper permit or letter of recommendations for same has been granted by Natural Resources. All terms and conditions imposed by Natural Resources will be incorporated in any permit issued by the Plan Commission. The Plan Commission may impose greater restrictions. All buildings or additions to existing buildings shall have flood protection grades at least two feet above the regulatory flood profile.

1. Water management and use facilities, such as dams, docks, dolphins, channel improvements, dikes, jetties, groins, marinas, piers, wharves, levees, seawalls, floodwalls, weirs and irrigation facilities.
2. Transportation facilities, such as streets, bridges, roadways, fords, airports, pipe lines, railroad and utility transmission facilities.

3. Temporary or seasonal flood plain occupancy, such as circus sites, fair sites, carnival sites, boat ramps, camps, roadside stands and transient amusement facility sites.

4. Water-related urban uses; such as wastewater treatment facilities, storm sewers, electric generating and transmission facilities, and water treatment facilities.

5. Other flood tolerant or open space urban uses, such as flood-proofed buildings, race tracks, tennis courts, park buildings, outdoor theaters, fills, truck freight terminals, radio or TV towers, parking lots and mineral extractions.

6. Mobile Homes (temporary or permanent) having pads (concrete or stands of compacted fill) at or above the regulatory flood elevation and ground anchors meeting Mobile Home Tie Downs, Schedule A. In addition, adequate drainage and access for a hauler shall be provided.

7. Residential structures:

The structure or structures, if permitted in a Floodplain (FP) District, shall be constructed on the building site so as to minimize obstruction to the flow of floodwaters.

Floodproofing of non-residential structures, if proposed, must be in accordance with the definition of a flood proofed building as set forth in this ordinance and must be so certified by a Professional Engineer or a Registered Architect licensed to practice in Indiana.

Onsite waste disposal systems must be so located as to avoid impairment of them or contamination from them during the occurrence of the regulatory flood.

ARTICLE VII.

Non-Conforming Uses

Any building, structure or other use in a Flood Plain (FP), Floodway (FW) or Floodway Fringe (FF) District which is not in conformance with this ordinance constitutes a non-conforming use.

a. In a Floodway (FW) District, no non-conforming use may be expanded or enlarged nor can a building undergo substantial modification without a permit for construction in a floodway from Natural Resources.

b. In a Floodway Fringe (FF) District, a building which constitutes a non-conforming use may undergo substantial modification provided such modification is on a one-time-only basis and further provided that such modification does not increase the value of the building, by more than forty (40) percent of its pre-improvement market value, (excluding the value of land) unless such building is permanently changed to a conforming use.

c. A non-conforming use in a Flood Plain (FP) District may be altered, enlarged or extended, on a one-time-only basis, provided the procedures set forth in this ordinance with respect to new construction in a Flood Plain (FP) District are followed and further provided such alterations, enlargements or extensions do not increase the value of the building structure, or other use (excluding the value of land) by more than forty (40) percent of its pre-improvement market value, unless such building, structure or use is permanently changed to a conforming use.

d. Any non-conforming use in the FP, FW, and FF Districts which is damaged by flood, fire, explosion, Act of God, or the public enemy may be restored to its original dimensions and conditions, provided the damage does not reduce the value of the buildings, excluding the value of the land, by more than forty (40) percent of its pre-damage value.

ARTICLE VIII.

Variances and Exceptions

a. The Board of Zoning Appeals may consider issuing a variance to the terms and provisions of the Floodway (FW), Floodway Fringe (FF) or Flood Plain (FP) Districts provided the applicant offers that:

1. There exists a good and sufficient cause for the requested variance.
2. The strict application of the terms of this ordinance will constitute an exceptional hardship to the applicant, and
3. The grant of the requested variance will not increase flood heights, create additional threats to public safety, cause additional public expense, create nuisances, cause fraud or victimization of the public or conflict with existing laws or ordinances.

b. The Board of Zoning Appeals may issue a variance to the terms and provisions of the Floodway (FW), Floodway Fringe (FF) or Flood Plain (FP) Districts subject to the following standards and conditions:

1. No variance or exception for a residential use in a Floodway (FW) District may be granted.
2. Any variance or exception granted in a Floodway (FW) District will require a permit from Natural Resources.
3. Variances or exceptions to the flood protection grade requirements in a Floodway Fringe (FF) District may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection elevation.

4. Any variance or exception granted in a Flood Plain (FP) District will require a permit or letter of recommendations from Natural Resources. If a letter of recommendations is received from Natural Resources, the Board of Zoning Appeals may apply the standards pertaining to a Floodway Fringe (FF) District contained in b. 3. of this section.

5. Variance or exception may be granted for the reconstruction or restoration of any structure listed on the National Register of Historic Places or the Indiana State Survey of Historic, Architectural, Archaeological and Cultural Sites, Structures, Districts and Objects.

6. All variances shall give the minimum relief necessary, and be such that the maximum practical flood protection will be given to the proposed construction, and

7. The Board of Zoning Appeals shall issue a written notice to the recipient of a variance or exception that the proposed construction will be subject to increased risks to life and property and could require payment of excessive flood insurance premiums.

ARTICLE IX.

Plan Commission Rules of Procedure

a. The Plan Commission shall keep and maintain all records, including all lowest floor elevations, certificates, plans and other materials associated with any permit or variance issued in a Floodway (FW), Floodway Fringe (FF), or Flood Plain (FP) District.

b. The Plan Commission shall not issue any permit, license, or variance for the location or occupancy of any mobile home in a Floodway (FW), Floodway Fringe (FF), or Flood Plain (FP), until such time as proper notice written on lease, deed or purchase contract is given to the mobile home owner that such mobile home is in a flood hazard area.

c. The Plan Commission shall notify the Federal Insurance Administration of all permits issued in the floodway district concerning watercourse alteration. In addition to forwarding a copy of all such permits to FIA, they shall require that maintenance is provided within the altered or relocated portion of said watercourse, so that the flood carrying capacity is not diminished.

ARTICLE X.

Application to Subdivision

a. The (Plan Commission, Building Commissioner, or other review agency or official) shall review all proposed subdivisions to determine whether the subdivision lies in a flood prone area as defined elsewhere by ordinance. If the (review agency or official) finds the subdivision to be so located, the (review agency or individual) shall forward pertinent plans and materials to the Indiana Department of Natural Resources for review and comment. The (review agency or individual) may require appropriate changes and modifications in order to assure that it is consistent with the need to minimize flood damages; all public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; adequate drainage is provided so as to reduce exposure to flood hazards; and that onsite waste disposal systems, if provided, will be so located as to avoid impairment of them or contamination from them during the occurrence of the regulatory flood.

b. All subdivision plats containing lands identified elsewhere by ordinance as flood prone areas shall have the elevation of the 100 year flood listed thereon.

ARTICLE XI.

Application for Improvement Location Permits

The Building Commissioner of the County of Porter shall review all applications for improvement location permits for new construction, additions to existing construction or other development to ascertain whether the proposed construction, addition or development lies in an identified floodway or flood plain. If the Building Commissioner determines that the proposed construction, addition or development lays in an identified floodway or flood plain, then the applicant shall forward the application along with all pertinent plans and specifications to Natural Resources and apply for a permit for construction in a floodway from Natural Resources. If the permit application lies in a Floodway Fringe (FF) District then the Building Commissioner may issue a local building permit only upon the condition that the applicant provide the Building Commissioner with a certificate of a professional engineer or land surveyor licensed to practice in the State of Indiana which certifies that the lowest floor, including basement of the structure(s), is at least two feet above the 100 year frequency flood elevation. If the proposed construction or addition is found to lie in a Floodway (FW) or Floodway Fringe (FF) District, the Building Commissioner may require such modifications to the design and materials as the Building Commissioner may deem appropriate to prevent flotation, collapse or lateral movement of the structure and minimize potential future flood damages.

ARTICLE XII

Miscellaneous Provisions

a. Prior to the issuance of an improvement location permit the Building Commissioner may require the applicant for said permit to submit proof of issuance of all other applicable State or Federal permits required in any of the districts defined in this Ordinance for construction of any improvement enumerated in this Ordianance.

b. In the absence of FIA Base Flood Elevation data or in the event of error such data the Building Commissioner shall consider other available data approved by Natural Resources as a basis for issuing a permit, elevating residential structures to or above base flood level and flood proofing or elevating non-residential structures to or above flood base level.

ARTICLE XIII

Effective Date

This Ordianace shall be in full force and effect on and after

21 JUNE 1982.

PASSED AND ADOPTED by the Board of Commissioners of Porter County, Indiana, this 21st day of JUNE, 1982.

William R. Carmichael
Walter A. Campbell
Michael J.
BOARD OF COMMISSIONERS
OF PORTER COUNTY,
INDIANA

PORTER COUNTY, INDIANA

MASTER PLAN
OF
ZONING - MAJOR STREETS AND HIGHWAYS - SUBDIVISION CONTROL - PUBLIC FACILITIES - ENFORCEMENT

Prepared for the

PORTER COUNTY PLAN COMMISSION

James W. Brown, President

E. Donald Bengel	Charles Musgrave
Kenneth Cool, Vice President	Rollie Sanders
Elizabeth Marshall	Larry Sheets
Ruth Ann McWhorter	Phillip Stoner

PORTER COUNTY BOARD OF ZONING APPEALS

Elizabeth Marshall, Chairman

Geraldine Bowie	Douglas Justus, Vice Chairman
Kenneth Cool	William Kibble

PORTER COUNTY BOARD OF COMMISSIONERS

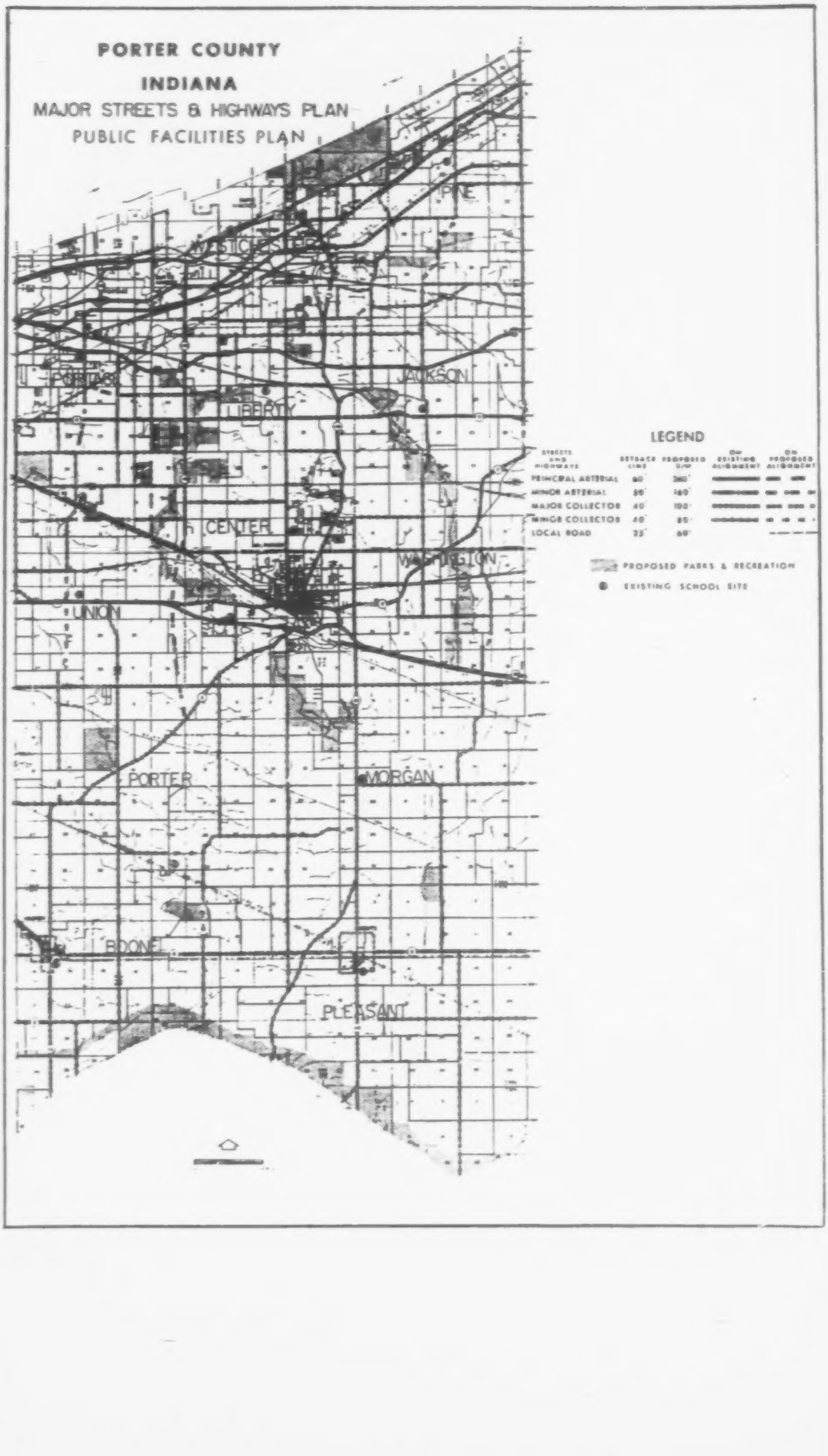
Michael Aylesworth, President
Larry Sheets, Vice President
William Carmichael, Secretary

#323

Porter County, Indiana
Master Plan
Of
Zoning - Major Streets and Highways - Subdivision Control - Public Facilities - Enforcement

1836

Prepared for
Porter County Plan Commission


PORTER COUNTY
INDIANA
MAJOR STREETS & HIGHWAYS PLAN
PUBLIC FACILITIES PLAN
PINE
WESTCHESTER
PORTAGE
JACKSON
LIBERTY
CENTER
WASHINGTON
UNION
PORTER
MORGAN
BOONE
PLEASANT
LEGEND
STREETS AND HIGHWAYS
SETBACK LINE
PROPOSED R/W
ON EXISTING ALIGNMENT
ON PROPOSED ALIGNMENT
PRINCIPAL ARTERIAL 60' 200'
MINOR ARTERIAL 50' 160'
MAJOR COLLECTOR 40' 100'
MINOR COLLECTOR 40' 80'
LOCAL ROAD 25' 60'
PROPOSED PARKS & RECREATION
EXISTING SCHOOL SITE

September 22, 1990

Sen. Dale Bumpers
Chairman, Sub-Committee
on Public Lands, National Parks and Forests
U.S. Senate
364 Dirksen Building
Washington, D.C. 20510

Re: Written testimony for public hearings in regards to S 2882 Indiana Dunes National Lakeshore Access and Enhancement Act.

When you consider the facts related to S 2882, please review the formation and intent of the legislation. Since April of this year when I became aware of the HR 3209, I have been involved in research and exploration of the rationale for such legislation. It is my feeling that there is not sufficient justification for an expansion bill at this time.

My reasons for this include the following:

1. There have been four expansion bills in the past 12 years that have each been termed "the last" and negotiated by legislators in that spirit. Continued expansion at the expense of local cities and towns will continue to cause devaluation of local property and put strain on local resources.

2. Planning and implementation of recreation facilities, trails and canoeing WITHIN the current boundaries has been underfunded and incomplete; therefore, I do not think the National Park Service should be purchasing more land (expanding the current 14,000 acre park to 17,000...all within a densely populated area) without first completing the current Dunes Park.

3. Reasons for inclusion of each parcel in the legislation run the gamut..from "we need it for a parking lot" to "he's a bad neighbor and we want to put his land in the park". I have been shocked by the information I have heard in the past five months. Some people want their houses in the park because they built their houses on land that does not drain well. Rather than take a loss because of their mistake, they have convinced the legislators to include their homes in the park. I can appreciate their position; however, I do not think that private meetings with individuals to bargain with them about whether they get in or out of legislation is the correct procedure.

4. Protecting the wetlands which are already protected has been used as a reason to include all of the creeks in the area either as acquisition or study. When asked to prove allegations of disruption of the wetland system, no one has

been able to verify such abuses. We are told that "in the future something will happen" and "we have always wanted these streams in the park". Additionally, we are told that they may be used for recreation by opening up the natural blockages of fallen trees to let canoes through. This action will cause the creeks to run faster, drain the surrounding floodplain and cause drainage of the very wetlands they propose to protect.

I live on a farm affected by the legislation and emplore the members of the subcommittee to consider actions which will cause the least amount of disruption of families in our area while continuing to protect the natural resources.

* Ask for a comprehensive plan for the Dunes National Lakeshore that is publically discussed with boundaries that can be finalized.

* Purchase Crescent Dune as was originally proposed in the last piece of legislation.

* Keep the leaseback provisions.

* Rename the visitor's center as recommended.

* Eliminate the 49 corridor, Pine Township, Porter Beach and the Salt Creek/Little Calument. If you need to include them, please include them in a study with local input.

* Obtain lands that have been voluntarily offered to the park and eliminate condemnation when it is not necessary.

Thank you for considering my views.

Sandy Appleby

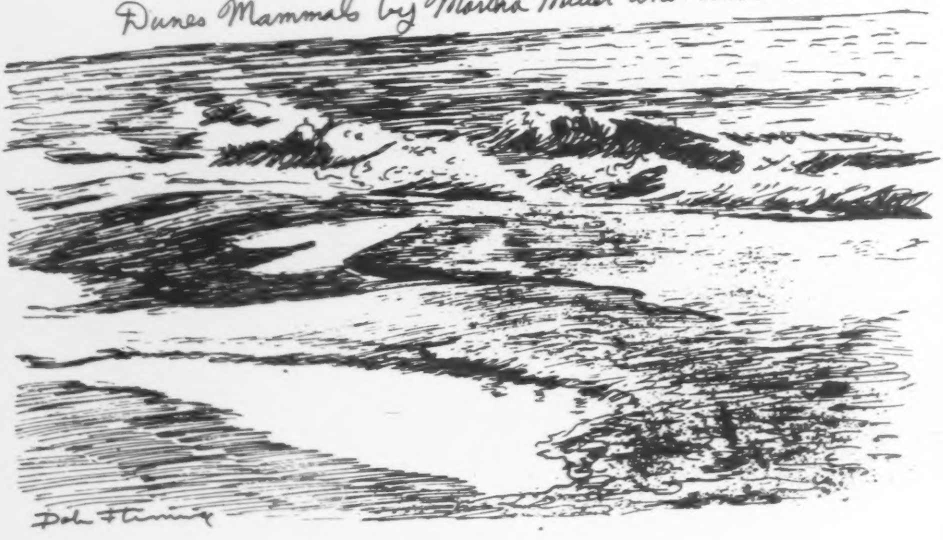
Sandy Appleby
329W. 875N.
Valparaiso, IN 46383

Sept. 23, 1990
9671 Oak Ave.
Gary, Ind. 46403

Dear Senator Bumpers:

Please support passage of the 29 year plan in Senate bill S 2882.

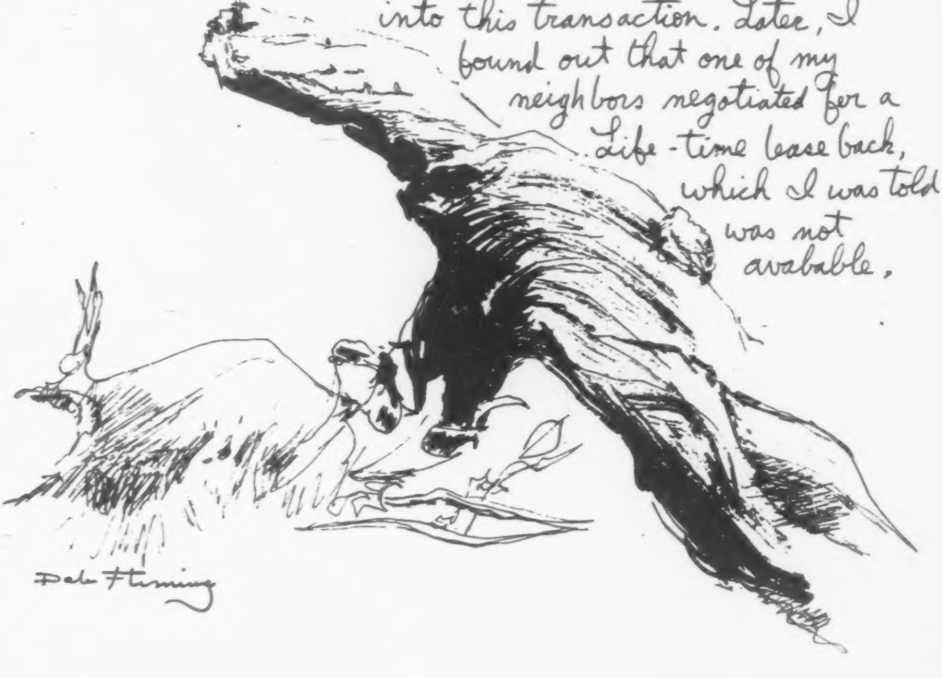
In the way of an introduction, I am an Artist who is living in the West Beach area of the National Lake Shore Park. I've been making my living by studying, painting and drawing the dunes. I have learned to love the area more and more through the various projects I've been involved with, through others and on my own. I illustrated a report that went to the Canadian and the United States governments on cleaning up the Lake. I illustrated "The Indiana Dune Story", edited by Glenda Daniels for the Shirley Heinze Enviriommental group. I've done drawings for the Chicago "Audubon Compass" and two note paper drawings for the Save the Dunes shops in Beverly Shores. I'm most proud of the drawings I did for the book, Dunes Mammals by Martha Miller and another on



Joseph Bailey. I've become pretty well known for my dune paintings, espically with the M.C.C. I'm now working on a book with John Laue on the impact of the National Park on the neighborhood with lots of drawings of changes in the area.

My commuting to work consist of a walk from my living room to my studio, so you can see how this has become my whole way of life. I'm not saying that I only paint dunes, but it is an important part of my life, even more than when I sold my home to the Park.

As I think back on that sale, I feel I was rushed into this transaction. Later, I found out that one of my neighbors negotiated for a Life-time lease back, which I was told was not avabable,



3.

the land, we are still paying the taxes. Also, a lot of my Art work has been donated for the good of the Dunes and the preservation of them.

I Love the Dunes and I sure would like to live my life out here. And, I feel my art work has helped to educate the populus.

So, I hope that any legeslation that might come along for a 29 lease extension, you'll remember us people living and loving the Dunes.

Thank you

Dale Fleming

Dale Fleming

"The Friendly City"

The City of Hobart

414 Main Street Hobart, Indiana 46342

Telephone:
(219) 942-6112

Mayor Margaret J. Kuchta

September 5, 1990

Senator Dale Bumpers
Chairman, Subcommittee on Public Lands
National Parks and Forests
229 Dirkson Building
Washington, D.C. 20510

Dear Senator Bumpers,

I am writing to let you know how pleased I am that the Hobart Prairie Grove, near Hobart, Indiana, is being considered for inclusion in the Dunes National Lakeshore expansion bill.

I have been interested in seeing this happen for a very long time, and have spoken on the subject on many occasions.

I am enclosing a proclamation from the City of Hobart in support of this inclusion.

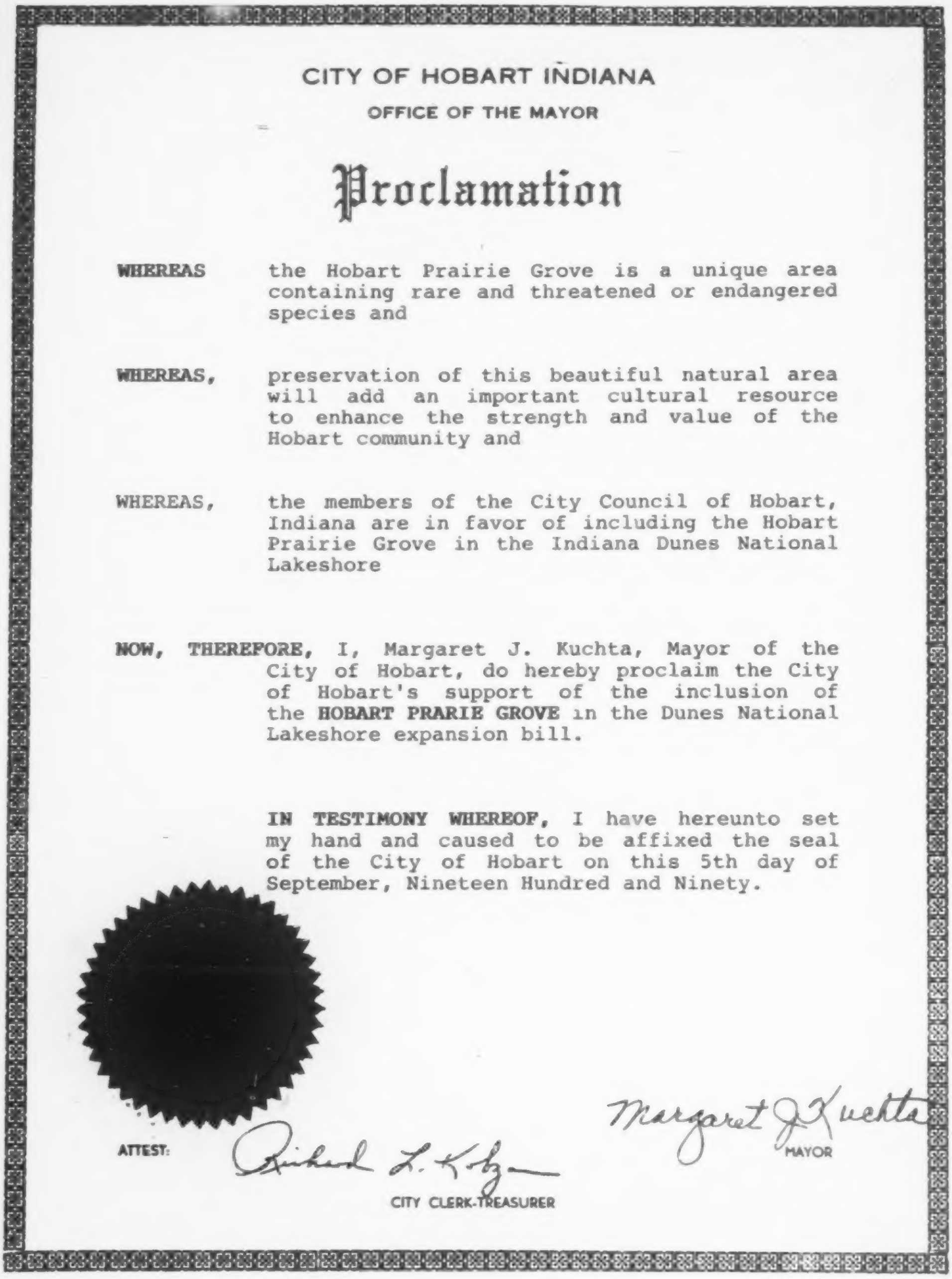
Sincerely,

Margaret J Kuchta

Margaret J. Kuchta, Mayor
City of Hobart

mjk/ro

enclosure



CITY OF HOBART INDIANA

OFFICE OF THE MAYOR

Proclamation

WHEREAS the Hobart Prairie Grove is a unique area containing rare and threatened or endangered species and

WHEREAS, preservation of this beautiful natural area will add an important cultural resource to enhance the strength and value of the Hobart community and

WHEREAS, the members of the City Council of Hobart, Indiana are in favor of including the Hobart Prairie Grove in the Indiana Dunes National Lakeshore

NOW, THEREFORE, I, Margaret J. Kuchta, Mayor of the City of Hobart, do hereby proclaim the City of Hobart's support of the inclusion of the **HOBART PRARIE GROVE** in the Dunes National Lakeshore expansion bill.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the seal of the City of Hobart on this 5th day of September, Nineteen Hundred and Ninety.

Margaret J Kuchta

MAYOR

ATTEST:

CITY CLERK-TREASURER

259 West 875 North
Valparaiso, Indiana
September 22, 1990

Senator Dale Bumpers
Chr. Public Lands, National Parks and Forests
364 Dirksen
U.S. Senate
Washington/ D.C.

RE:S2882

Dear Sir:

Please record this as written testimony to S2882.

We are opposed to further park expansion in Porter County, Indiana. Seven hundred homes have already been taken for park expansion most of them in Porter County.

Living almost ten miles from the existing park, we never expected to be considered as part of a park expansion bill. Long narrow river corridors can neither be adequately patrolled nor maintained. Mr. Engquist and his staff have a difficult time maintaining and patrolling the existing park without adding the miles of river corridors.

We are environmentalists. My husband is and environmental teacher charged with teaching the next generation to preserve and protect our land and all living things. We are involved in recycling, composting , etc.-trying to protect our area from future land, air, and water pollution. Our family has taken care of this land for fifty years and we hope to continue to be good stewards of our land for many years to come, and to be able to pass it on to our children and grandchildren.

It is time to put limitations on park. boundaries. We have had too many park expansions since Indiana Dunes National Lakeshore was first proposed. What is needed is adequate funding for the upkeep and protection of the existing park.

The dunes are saved. Please save our property.

Thank you.

Sincerely.

Gerald J. Kleich
Claudia Kleich

259 West 875 North
Valparaiso, Indiana
September 22, 1990

Senator Dale Bumpers, Chr.
Public Lands, National Parks and Forests
364 Dirksen
U.S. Senate
Washington, D.C.

RE:S2882

Dear Sir:

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Sincerely,

Gerald J Klich
Claudia A. Klich

September 22. 1990

Sen. Dale Bumpers
Chairman, Sub-Committee
on Public Lands. National Parks and Forests
U.S. Senate
364 Dirksen Building
Washington, D.C. 20510

Re: Written testimony for public hearings in regards to S 2882 Indiana Dunes National Lakeshore Access and Enhancement Act.

When you consider the facts related to S 2882, please review the formation and intent of the legislation. Since April of this year when I became aware of the HR 3209, I have been involved in research and exploration of the rationale for such legislation. It is my feeling that there is not sufficient justification for an expansion bill at this time.

My reasons for this include the following:

1. There have been four expansion bills in the past 12 years that have each been termed "the last" and negotiated by legislators in that spirit. Continued expansion at the expense of local cities and towns will continue to cause devaluation of local property and put strain on local resources.

2. Planning and implementation of recreation facilities, trails and canoeing WITHIN the current boundaries has been underfunded and incomplete; therefore, I do not think the National Park Service should be purchasing more land (expanding the current 14,000 acre park to 17,000...all within a densely populated area) without first completing the current Dunes Park.

3. Reasons for inclusion of each parcel in the legislation run the gamut..from "we need it for a parking lot" to "he's a bad neighbor and we want to put his land in the park". I have been shocked by the information I have heard in the past five months. Some people want their houses in the park because they built their houses on land that does not drain well. Rather than take a loss because of their mistake, they have convinced the legislators to include their homes in the park. I can appreciate their position; however, I do not think that private meetings with individuals to bargain with them about whether they get in or out of legislation is the correct procedure.

4. Protecting the wetlands which are already protected has been used as a reason to include all of the creeks in the area either as acquisition or study. When asked to prove allegations of disruption of the wetland system, no one has

been able to verify such abuses. We are told that "in the future something will happen" and "we have always wanted these streams in the park". Additionally, we are told that they may be used for recreation by opening up the natural blockages of fallen trees to let canoes through. This action will cause the creeks to run faster, drain the surrounding floodplain and cause drainage of the very wetlands they propose to protect.

I live on a farm affected by the legislation and emplore the members of the subcommittee to consider actions which will cause the least amount of disruption of families in our area while continuing to protect the natural resources.

* Ask for a comprehensive plan for the Dunes National Lakeshore that is publically discussed with boundaries that can be finalized.

* Purchase Crescent Dune as was originally proposed in the last piece of legislation.

* Keep the leaseback provisions.

* Rename the visitor's center as recommended.

* Eliminate the 49 corridor, Pine Township, Porter Beach and the Salt Creek/Little Calument. If you need to include them, please include them in a study with local input.

* Obtain lands that have been voluntarily offered to the park and eliminate condemnation when it is not necessary.

Thank you for considering my views.

Sandy Appleby

Sandy Appleby
329W. 875N.
Valparaiso. IN 46383

Mr. and Mrs. Elmer R. Lenburg, Jr.
233 W. 875 N. Valparaiso, Indiana 46383

September 23, 1990

Senator Dale Bumpers
Sub-committee of Public land and Natural Resoures
364 Durkson Building
U.S. Senate
Washington, D.C. 20510

Re: Bill S-2882

Senator Bumpers,

This letter is to let you know we are completely against the passing of the Bill to expand the National Lakeshore Park to include the Salt Creek Corridor in Porter County, Indiana. This Area is not complaisant to this type of development. The boundary map includes high land that people have owned and farmed for many years.

We request that this letter be written in and introduced as testimony against the passing of this bill.

Thank you,

Elmer R. Lenburg Jr.

Elmer R. Lenburg, Jr.

Dorothy A. Lenburg

Dorothy A. Lenburg

ERL/dal
copie enclosed

OWL
OPERATION Wetland

September 24, 1990

Senator Dale L. Bumpers
Chair, Subcommittee on Public Lands
   National Parks and Forests
Dirksen Senate Office Building
Washington, DC 20510-6158

Dear Senator Bumpers:

RE: Senate Bill 2882

Operation Wetland, OWL, would like to state its support for inclusion of the Beverly Shores wetlands in the Indiana Dunes National Lakeshore.

It is OWL's position that the compromise struck to put the Great Marsh into the National Lakeshore in exchange for not including Greco's Restaurant and the Broadway right-of-way is a good one and we do not wish to disrupt any fragile agreements. We were disappointed, however, that this compromise omitted several wetlands that are at least as good, if not of higher, quality than the Great Marsh. Several state rare and threatened plants exist in the areas marked in blue on the attached map.

It is unfortunate that the preservation of the wetlands was tied to the compromise on Greco's. Each issue should have been decided on its own merits. Now that it appears that there is an impasse on the Greco compromise the wetlands could be lost to development. OWL has discussed this issue internally and with many other individuals and groups and has come to the conclusion that peripheral parking and shuttle service from the northwest corner of Beverly Shores at U.S. Highway 12 and Lake Shore County Road will do much more to achieve Congressman Visclosky's legitimate desire to have ready access to the beaches by more people than will the acquisition of Greco's. Our reasoning is this.

The discovery of these beautiful beaches has resulted in insufficient parking at the two Kemil Road lots, the Lake View Plaza lot and the Central Avenue beach lot on holidays and hot days. Visitor have been parking illegally along both sides of Lake Front Drive. This is leading to congestion, to tickets and towing, to angry residents and to severe damage to the fragile dunes. The parking congestion will worsen with time as more park visitors discover the beaches. Forty or 50 more parking spots on Greco's property will not alleviate this parking problem but will exacerbate it by focusing the traffic at one critical intersection.

After considerable review of the options, OWL feel that the large tract of Beverly Shores property on the northwest corner of the intersection of U.S. Highway 12 and Lake Shore County Road (see attached map) would be a very good shuttle staging area. This plot is now only used for intermittent truck parking and is proposed to be included in the National Lakeshore. It is easily accessible off a major road, it is large and it has the potential to expand if necessary. Canopied tram shuttles with open sides could be designed to be appealing to children and to be functional for adults. They could even run on an alternative fuel which would be a positive statement as energy conservation desires resurge. These trams could service not only Lake View beaches, but the campground, Kemil Road beach, Central Avenue beach and Mt. Baldy.

The idea for a shuttle has diverse support from both the Beverly Shores Town Council (see unanimously passed resolution attached) and the Save the Dunes Council. The Duneland Chamber of Commerce has given its quiet support.

In summary, OWL strongly recommends peripheral parking and shuttle service from the northwest corner of U.S. Highway 12 and Lake Shore County Road as a way to meet Congressman Visclosky's desire for easy access to Beverly Shores beaches. This would be a substitute for acquisition of Greco's Restaurant. In this way the compromise could be adjusted so that at least a portion of the valuable wetlands in Beverly Shores could be preserved and protected for future generations.

Sincerely,

Larry Jensen

Larry Johsen

RESOLUTION 90 - 7

SUPPORTING FUNDING OF A BEVERLY SHORES SHUTTLE IN THE INDIANA DUNES NATIONAL LAKESHORE

WHEREAS, there is a continuing concern on behalf of the residents of the Town of Beverly Shores, Porter County, Indiana and Town officials that the number of summer visitors attracted to the Indiana Dunes National Lakeshore on holidays and weekends cannot be safely accommodated in the lake front residential areas of the Town, and

WHEREAS, a need exists to provide access for all of the many National Lakeshore visitors desiring to visit those portions of the Indiana Dunes National Lakeshore within the corporate boundaries of Beverly Shores, Indiana.

NOW THEREFORE, BE IT RESOLVED by the Town Council of Beverly Shores that the Town supports any legislative initiatives to fund and operate shuttle buses on weekends and holidays from parking areas located near arterial highways and away from the residential areas of Town in lieu of the acquisition and utilization of any additional parcels in residential areas for parking purposes.

PASSED AND ADOPTED, this 17th day September, 1990.

BEVERLY SHORES TOWN COUNCIL

CAROL W. RUZIC - PRESIDENT

KARL A. ZARINS - VICE PRESIDENT

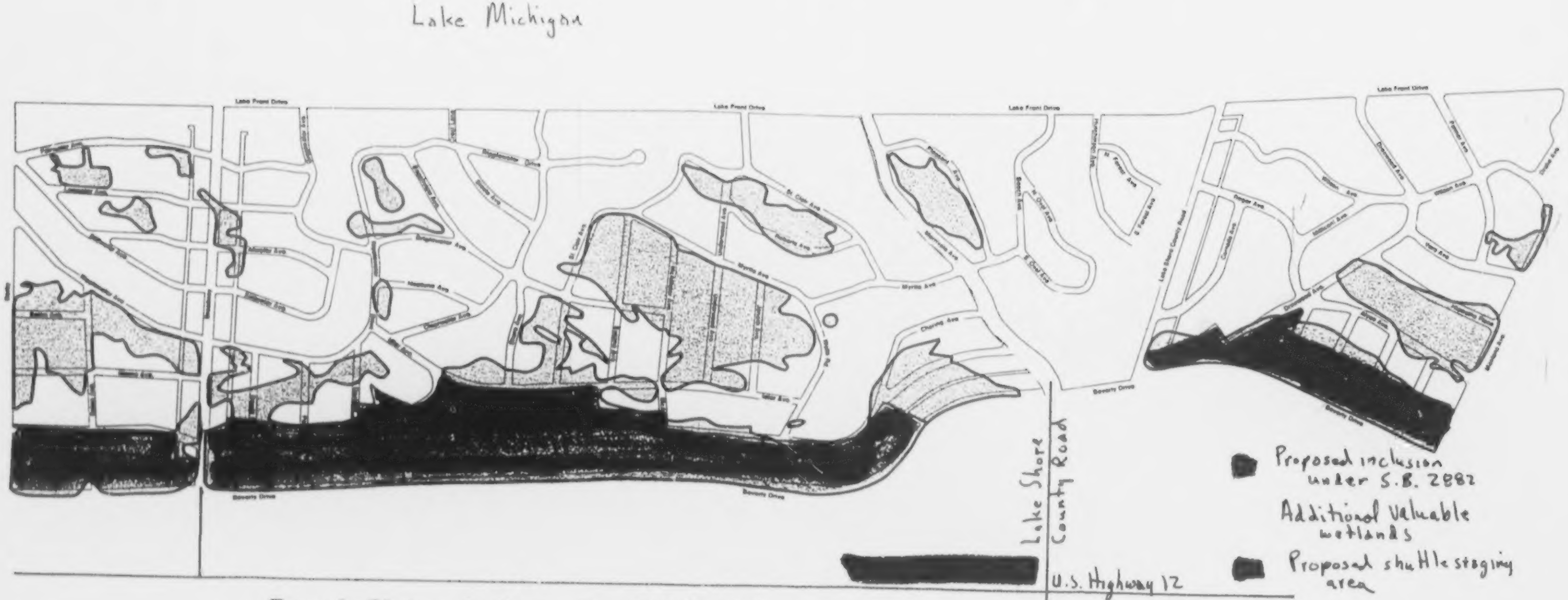
ELLEN L. FIRME

JOHN F. KEYS

ROBERT J. LOVE

ATTEST:

ANNA R. CARLSON, Clerk/Treasurer


Lake Michigan
Lake Front Drive
Beverly Drive
Myrtle Ave
St. Clair Ave
Beach Ave
N Oriel Ave
S Oriel Ave
N Forest Ave
S Forest Ave
Drummond Ave
Lake Shore County Road
Lake Shore County Road
U.S. Highway 12
Proposed inclusion under S.B. 2882
Additional Valuable wetlands
Proposed shuttle staging area

Beverly Shores, Indiana – Draft Wetland Map

OWL
OPERATION Wetland

September 24, 1990

Senator Dale L. Bumpers
Chair, Subcommittee on Public Lands
National Parks and Forests
Dirksen Senate Office Building
Washington, DC 20510-6158

Dear Senator Bumpers:

RE: Senate Bill 2882

It has been the general policy of Operation Wetland, OWL, to focus narrowly on wetland issues in Beverly Shores. However, by the unanimous vote of our membership, we have decided to deviate from this policy to strongely urge your subcommittee to include the Salt Creek and Little Calumet River parcel in the acquisitions for the Indiana Dunes National Lakeshore to protect the valuable wetlands in these corridors.

Sincerely,

Larry Jensen
Larry Jensen

Sept 22, 1990
531 Graham Dr
Chesterton, Ind
46304

Dale Bumpers
Chairman ;

Please enter this as written testimony on S.2882

How can the Indiana Save the Dunes Council *justifiably* confiscate private property from its rightful owners?

The Save the Dunes council members claim they must protect the wet lands, *but* they also want to open the river corridors for recreational areas, and to promote tourism. We have lived on the Little Calumet River for many years, and in no way possible can this situation work. We will work along with the council to keep the corridors and wetlands as natural and undisturbed as they have always been. We have personally contacted most of the property owners along the river, and they all are of the same opinion. We have faith in your judgement, and are confident that through your wisdom, and knowledge, from past experiences, you will please take this letter under consideration when making your final decisions.

Respectfully,
Jack H Bergner
Alice J. Bergner

Sept 22, 1990
531 Graham Dr
Chesterton, Ind
46304

Dale Bumpers
Chairman;

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Respectfully,
Jack H Bergner
Alice I Bergner

Senator Dale Bumpers 9-24-90
229 Dirksen Bldg.
Washington, D.C. 20510

Please enter this as written testimony on S2882.

I am opposed to park expansion in Porter County Indiana.

Sincerely
Michele Roman
Portage. In

Ralph and Delores Brooks
1418 N Brummitt Road
Chesterton, IN 46304

September 24, 1990

SENATOR DALE BUMPER
364 Dirkson Building
Washington, D. C. 20410

Dear Senator Bumper:

Please enter this as written testimony on S2882.

With a few exceptions, we are in favor of S2882, the Indiana Dunes expansion bill. We are very pleased that Furnessville is not incuded in the Senate bill.

We would rather see the Calumet and Salt Creek River corridors left under the control of the local officials.

Pine Township cannot afford to have any more tax base taken away, therefore the campground addition should not be encluded in the bill.

Sincelely,

Delores Brooks Ralph Brooks

Delores Brooks Ralph Brooks

SIERRA CLUB
408 C Street, N.E. Washington, D.C. 20002 202·547·1141

September 17, 1990

The Honorable Dale Bumpers, Chairman
Subcommittee on Public Lands, National Parks & Forests
Committee on Energy and Natural Resources
364 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Bumpers,

I am writing to express the Sierra Club's support of the Indiana Dunes National Lakeshore Access and Enhancement Act. The Club has actively supported both the Senate and House versions of the bill, S. 2882 and H.R. 3209 and we thank you for scheduling consideration of this legislation in amongst your busy schedule. It is our hope that the preservation portions of both bills can be retained in the final version of the legislation.

S. 2882 is clearly the product of extensive study of the issues by Senators Richard Lugar and Dan Coats. We commend their efforts to protect and improve this important national park in an urban setting.

The Sierra Club supports all the park additions common to both bills:

I-H, Woodlake Dune/Inland Manor;
I-J, Pottawattomie Woods;
I-K, U.S. 20 Dunes;
I-L, U.S. 12 strip;
I-M, Ind. 49 corridor;
II-A, NIPSCO greenbelt;
II-L, Porter Beach;
II-M Campground addition;
VI-B, Gaylord Butterfly Prairie; and
VII-D, Calumet Prairie.

We also strongly support the addition of two important areas in S. 2882, IX-A, Hobart Prairie Grove and III-G, Beverly Shores Wetlands. It is our understanding that the House sponsor of H.R. 3209, Rep. Pete Visclosky, is willing to support these provisions. We urge you to protect these important near-pristine natural areas in the bill.

Regarding other differences between the House and Senate bills the Sierra Club:

--Supports the House language for the Salt Creek and Little Calumet River corridors. These important Lake Michigan tributaries and their associated floodplains and wetlands are subject to both legal and illegal destruction. The House bill would protect the resource and enhance the preservation and recreation opportunities of the Lakeshore. The preservation

"When we try to pick out anything by itself, we find it hitched to everything else in the universe." *John Muir*

PRINTED ON RECYCLED PAPER

of Lake Michigan tributaries and associated wetlands is an investment in the future of Indiana's Great Lakes shoreline. The House bill includes the right combination of flexibility and firmness to achieve a decisive humane solution through a combination of careful study, purchase and easements.

--Opposes preferential treatment for homeowners along the Indiana Highway 49 corridor. In the interests of fairness, the Club asks that the legislation provide for uniform terms for areas newly added to the park and homeowners in those areas.

--Opposes revision of the terms of reservations of use (ROU) from past bills. The taxpayers have invested much time and millions of tax dollars to preserve and develop the Lakeshore. Extension of the ROUs has the effect of excluding the public from public lands and delays NPS remediation of past ecosystems disruptions.

--Supports Rep. Visclosky's effort to provide increased public access in Beverly Shores. We urge the inclusion of the Greco Park lot (III-G) contained in H.R. 3209 or a suitable alternative in the final legislation.

We thank you for considering this bill and we look forward to its swift passage. Representives from our local chapters will be in Washington for the markup and would be happy to meet with you or your staff to discuss these issues. Thank you for considering our views.

Sincerely,

Jim Blomquist
Washington Director
Public Lands

cc: Members, Senate Public Lands Subcommittee
Hon. Richard Lugar
Hon. Dan Coats

1301 N. Mineral Springs Road
Porter IN 46304-1227
October 2, 1990

The Honorable Dale S. Bumpers - Chairman
Senate Subcommittee on Public Land, National Parks and Forests
United States Senate
229 DSOB
Washington DC 20510

Dear Senator Bumpers:

I respectfully request that the attached letters (dated July 14 and 16 and September 6, 1990) and copies of postcard correspondence (requesting your support of the 29-year leaseback renegotiation option and pointing out the in-flow rather than out-flow of cash in the process) be submitted as written testimony in consideration of the 29-year plan renegotiation option proposed within the terms of S.2882.

Also, I request the two attached Warranty Deeds (proving the existence of the 41-year leaseback negotiated between prominent menbers of the Save the Dunes Council and the National Park Service, here in the Indiana Dunes National Lakeshore) be so considered part of my written testimony in this matter.

Further, I request they all be included as part of the Congressional Record, pertinent there to this Senate Bill, for all concerned taxpayers and seekers of fairness to witness at their convenience.

Copies of this same information (except postcards) were sent to each member of the Senate Committee on Energy and Natural Resources and six local newspapers in Northwest Indiana in August and September 1990.

Thank you.

Sincerely,

Guy J. Grasher
Leaseback Owner/Indiana Dunes National Lakeshore
(219) 926-2247

1301 N. Mineral Springs Road
Porter IN 46304-1227
July 14, 1990

Ms. Diane Newburg - Legislative Assistant
Office of Congressman Peter J. Visclosky
House of Representatives
420 Cannon Building
Washington DC 20515

Dear Diane,

It seems to me that just because the subject matter of a question raised is outrageous, that does not make asking the question ridiculous.

Charlotte Read is correct in her statement that on several occasions I chose not to confront her with specific questions regarding the terms and timeliness of her (and others') leaseback to the year 2010.

When one is soliciting the support of a very powerful force who has heretofore diametrically opposed everything we other leaseback holders requested in the name of fairness, one does not open cans of worms to agitate and challenge that force.

My question, however, was not ridiculous, but valid. It is one that is now openly asked by scores of others who, too, would like an answer.

Also, we have seen the two Warranty Deeds showing that the Reads, and apparently only the Reads to this day, were given the option to apply leaseback years from one of their properties to another to extend the length of the leaseback on the second from 25 years to 41 years.
When I asked nearly six weeks ago if I could purchase another leaseback home and apply the remaining years on it to my present one, I was told by the park superintendent that to his recollection it had only been done once before (of which I was fully aware); and he would have to check with Omaha. He didn't say anything about having to call the White House or anyone higher up than the Land Acquisition officer for approval. I'm still waiting for an answer.

In checking further with Washington D.C. we have been told that under no circumstances can such an exchange be made.

Looks of total disbelief cross the faces of others when they find out about this option apparently limited to one person. Who, but someone on the inside, would think to ask for such consideration and get it?
Look around and under things long enough and hard enough, people, and you'll come up with some probing questions of your own.

It's time to ask these serious questions regardless of how ridiculous someone may make them out to be. Do it today.

Sincerely,

Guy J. Grasher
Leaseback Owner/Indiana Dunes National Lakeshore
926-2247

1301 N. Mineral Springs Road
Porter IN 46304-1227
July 16, 1990

Mr. Rick Healy - Professional Staff Member
Sub-Committee on National Parks and Recreation
812 Annex 1 - House Office Building
Washington DC 20515

Dear Mr. Healy,

Enclosed are Warranty Deeds and other documentation regarding the leaseback properties of Herbert and Charlotte Read in the Indiana Dunes National Lakeshore; and a copy of the letter I sent to Senators Lugar and Coats and Congressman Visclosky via their legislative assistants, and six local newspaper editors.

Especially significant about these documents is the fact that they show the Reads have obtained for themselves what they have been successfully denying the rest of us leaseback holders.

By trading 16 of the 25 years they purchased on Tract 37-124 onto the 1994 expiration date of Tract 38-146 (which also had a 25-year leaseback term), they have garnered for themselves a 41-year leaseback on Tract 38-146.

You may recall that Herbert Read, an active member of the Izaak Walton League, testified against allowing us any changes in the present leaseback terms during his testimony before the subcommittee on November 16, 1989. He and his wife, Charlotte, who is Executive Director of The Save the Dunes Council, have repeatedly thwarted our attempts at fairness.

These people have used inside information to gain favorable status for theirown leaseback holdings, while disparaging our open attempts to achieve the same.

This isn't fair. It's the same unfairness we have been talking about for months. Maybe now you'll beieve us.

We ask you, again, to use your influence with Congressman Vento to grant us all the same options that have been given only to the Reads, i.e., the option to purchase additional years to extend the leaseback lives of our properties whether that be to the year 2010, which is already part of the proposed legislation, or to renegotiate them to a maximum of 29 years.

Please take this matter into serious consideration.

There is still time to be fair.

Thank you.

Sincerely,

Guy J. Grasher
Leaseback Owner, Indiana Dunes National Lakeshore
(219) 926-2247 or (219) 762-9194

1301 N. Mineral Springs Road
Porter IN 46304-1227
September 6, 1990

The Honorable J. Bennett Johnson, Jr.
Chairman - Senate Committee on Energy and Natural Resources
United States Senate

136 HSOB
Washington DC 20510

RE: S.2882

Dear Senator Johnson:

As you consider S.2882 co-sponsored by Senators Coats and Lugar, and especially the leaseback issue, please keep in mind that there does exist in the Indiana Dunes National Lakeshore a situation that extends the leaseback life of one piece of property to 41 years (to the year 2010).

The enclosed Warranty Deeds show clearly that prominent members of the Save the Dunes Council successfully negotiated a contract with the National Park Service to transfer 16 of the allowable 25 years from one leaseback property (Tract 37-124) to the existing 25-year leaseback life of Tract 38-146, giving the latter a total leaseback life of 41 years.

With knowledge of such a negotiated precedent already in place here, I request you retain and support the leaseback renegotiation plan spelled out in S.2882.

It gives the rest of us the option to purchase enough additional years to increase the leaseback lives of our property to a total of 29 years. This is apparently as close to equality as we can hope to get.

Thank you.

Sincerely,

Guy J. Grasher
Leaseback Owner/Indiana Dunes National Lakeshore
(219) 926-2247

8.00 81974

P. O. Box 283
Valparaiso, Indiana 46383

INDIANA DUNES NATIONAL LAKESHORE
Tract No. 37-124
PBP 6324-69

BOOK 365 PAGE 383

WARRANTY DEED

~~(I)~~ (We) HERBERT P. READ AND CHARLOTTE J. READ, HUSBAND AND WIFE

(husband and wife) ~~[illegible]~~, acting in (my) (our) own behalf as grantor (s), of, Porter County, State of Indiana for and in consideration of Thirty-nine Thousand Seven Hundred Forty-six and No/100 ($39,746.00), the receipt of which is hereby acknowledged,

CONVEY AND WARRANT

to the United States of America and its assigns, grantee, all right, title and interest in and to the following described land situate (in) the County of Porter in the State of Indiana, to-wit:

37-124

Part of the Northwest Quarter of the Northeast Quarter of Section 24, Township 37 North, Range 6 West of the Second Principal Meridian, described as follows: Beginning at a point 327.32 feet West from the East line of said Northwest Quarter of the Northeast Quarter of Section 24, and 410.0 feet South from the North line of said section, and running thence South, a distance of 120 feet; thence East a distance of 140 feet; thence North a distance of 120 feet; thence West a distance of 140 feet to the place of beginning.

The land described above is being acquired by the National Park Service of the Department of the Interior.

Subject to existing easements for public roads and highways, public utilities, railroads and pipelines, and a reservation of use and occupancy set out on exhibit "A" attached hereto and made a part hereof.
Further, grantor(s) hereby convey(s) and quitclaim(s) all right, title and interest of the grantor(s) in and to any alleys, streets, ways, strips or gores abutting or adjoining said land.

Dated this Fourteenth day of September 1985

x Herbert P. Read (SEAL) x Charlotte J. Read (SEAL)
HERBERT P. READ CHARLOTTE J. READ

_______________ (SEAL) _______________ (SEAL)

_______________ (SEAL) _______________ (SEAL)

ST. OF IND.
REPORT
FILE
'85 SEP 18 A9:11

State of Indiana, County of Porter, SS:

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Herbert P. Read and Charlotte J. Read

who acknowledged the execution of the foregoing Deed to be _______________ voluntary act and deed.

Witness my hand and seal this 14th day of September 1985.

Beverly J. Harrigan
Notary Public
Beverly J. Harrigan

My commission expires September 16, 1986

This instrument prepared by Herbert P. Read

DULY ENTERED FOR TAXATION

National Park Service
Indiana Dunes Lands Office
1100 N. Mineral Springs Road
Porter, IN 46304

EXHIBIT B

TERMS AND CONDITIONS

1. Waiver of replacement housing benefits. The Reservor fully understands that by reserving the right of use and occupancy reserved herein he waives replacement housing benefits under Sections 203, 204, 205 and 206 of Public Law 91-646.

2. Use. The reserved premises shall be used only for single family residential purposes. The reserved premises shall not be used for any commercial, industrial, mining or similar use or for the accommodation of any paying guests for a period less than 90 days. The Reservor in the use of the premises shall conform to all applicable laws, ordinances, and regulations in effect in the area, including but not limited to all applicable general National Park Service regulations and general and special regulations for the area in particular.

3. Transfer. The reserved premises may be conveyed or subleased for not less than 90 days by the Reservor provided the instrument of conveyance or sublease imposes on the new Reservor all of the restrictions and requirements of these provisions. A copy of any such conveyance or sublease shall be furnished the National Park Service prior to the effective date of such conveyance. Such conveyance must set out therein the expiration of the term of this reservation.

4. Taxes. The Reservor is responsible for the payment of any taxes or assessments that may be levied against his interest in the reserved premises.

5. Liability. The Reservor shall hold the United States harmless for any liability arising out of the use of the reserved premises by the Reservor. The Reservor shall at his expense carry such public liability insurance as is customary by homeowners in the vicinity, providing such insurance is available.

6. Insurance. The Reservor is responsible for insuring his interest in the reserved premises.

7. Preservation. The Reservor shall not add to or materially alter the character of existing improvements or structures or perform any new construction or change the topography of the land without first having obtained the permission in writing of the National Park Service. Any building or structure damaged or destroyed by fire or other casualty or deteriorated by the elements or wear and tear may be maintained, repaired, renovated, remodeled, or reconstructed so long as basic character of the building or structure is not materially altered.
   Additionally: He shall not remove any structure or other improvements which are permanently affixed to the realty unless proper arrangements, with adequate consideration for such removal, have been made with the National Park Service.

8. Maintenance of reserved premises. The Reservor shall keep the grounds of the reserved premises in a clean and neat condition and shall maintain all structures and improvements in good repair. The Reservor is responsible for all costs arising out of the reserved premises, including all costs of maintenance and repair and all utility charges. The United States has no responsibility for any charges or expenses in connection with the reserved premises.

9. Precautions. The Reservor shall take reasonable care to avoid damage to adjacent or nearby Federal lands or property through the spread of fire originating on the reserved premises, through the spread of sewage or other polluting substances originating on the reserved premises, or by any other activities representing a nuisance or hazard to adjacent or nearby Federal lands or property.

10. Definations. Within the meaning of this instrument "single family residential purposes' is occupancy of the reserved premises solely as a residence by the reservor(s) of his, her or their successor(s) or a assigns. "The Reservor" is the person or persons, or their successor(s) or assignees, set out hereinabove.

11. Description of reserved premises. The area reserved by the Reservor as the reserved premises, if less than the area described in this instrument, is described as follows.

EXHIBIT "A"

The Grantors reserve a right of use and occupancy divided between tracts 37-124 herein before described and tract #38-146 herein after described as follows:

Tract 38-146

> A parcel of land beginning at the Southwest corner of the Northwest Quarter of Section 19, Township 37 North, Range 3 West, thence running East 384.7 feet; thence North 149 feet; thence West 384.7 feet; thence South 149 feet to the point of beginning.

Reserving 9 years on Tract 37-124 commencing upon closing and 16 years on Tract 38-146 which shall commence on September 11, 1994 and end on September 30, 2010.

The terms and conditions of such reservations are set out on Exhibit "B" attached hereto and made a part hereof.

PIONEER NAT'L [illegible]
116 LINCOLNWAY
VALPARAISO, INDIANA

BOOK 237 PAGE 129

19441

WARRANTY

DEED

THIS INDENTURE, made the 12th day of September in the year of Our Lord, One Thousand Nine Hundred and Sixty-Nine between IRENE M. READ, a widow, of Chesterton, Indiana,

LY ENTERED FOR TAXATION

SEP 16 1969

LeRoy B. Chimley
AUDITOR PORTER CO.

hereinafter referred to as Grantor and the UNITED STATES OF AMERICA, hereinafter referred to as the Grantee.

WITNESSETH:

THAT in consideration of the sum of TWENTY THREE THOUSAND FOUR HUNDRED SEVENTY FIVE and NO/100------($23,475.00) DOLLARS, the receipt and sufficiency of which are hereby acknowledged, the said Grantor does hereby grant, bargain, sell and convey unto the Grantee and its assigns all the following described premises:

STATE OF INDIANA | S. S. NO.
PORTER COUNTY
FILED FOR RECORD

1969 SEP 16 AM 9 50

VERNELL CRISE, RECORDER

368
(23)
1534
416
2010

UNDER AND SUBJECT, HOWEVER, TO (1) existing easements for public roads and highways, public utilities, railroads and pipelines.

1969
+25 years
1994

EXCEPTING AND RESERVING, only the following rights and interest in the above described property: The Grantor(s) hereby reserve a right of use, occupancy, and possession in the premises for a period of 25 years from the date of closing. During this period all improvements on the property are to be insured by the Grantor(s) against fire and other casualty, to the full insurable value of the improvements. The Grantor(s) and the United States of America are to be named as co-insureds as their interests may appear. During this period so reserved, the Grantor(s) will be responsible for all utilities, maintenance, and general upkeep of the premises, and will not commit waste. Notwithstanding any changes in zoning, the property will not be used for other than residential purposes.

FURTHER IN CONSIDERATION, of the sum above stated, the Grantor does hereby release and quitclaim to the Grantee and its assigns all right, title and interest of the Grantor in and to any streams, alleys, roads, streets, ways, strips, gores, or railroad rights-of-way abutting or adjoining said land.

TO HAVE AND TO HOLD the said land together with all and singular the rights and privileges thereto belonging unto the said Grantee and its assigns to the only proper use, benefit and behoof of the Grantee and its assigns forever.

AND the said Grantor does covenant and agree with the Grantee and its assigns that she , the said Grantor, for herself, her heirs, executors, administrators and assigns , shall and will warrant generally and forever defend the above land with all and singular the rights and privileges belonging unto the said Grantee and its assigns against the Grantor and against every other person or persons lawfully claiming or who shall hereafter claim any part thereof.

Indiana Dunes National Lakeshore
National Park Service
Date:

Area: 2.00 acres

TRACT NO. 38-146

A parcel of land beginning at the Southwest corner of the Northwest Quarter of Section 19, Township 37 North, Range 5 West, thence running East 584.7 feet; thence North 149 feet; thence West 584.7 feet; thence South 149 feet to the point of beginning.

IN WITNESS WHEREOF, the said Grantor has hereunto set her hand and seal the day and year first above written.

WITNESS:

x Irene M. Read
IRENE M. READ, a widow

STATE OF Indiana)
) SS:
COUNTY OF Porter)

On this, the 12th day of September, 1969, before me, the undersigned officer, personally appeared

IRENE M. READ, a widow,

satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that she executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

George A Beyer
George A. Beyer
Notary Public
Title of Officer

My Commission Expires: October 7, 1972

September 16, 1990

Dear Friend,

We have not won, but we have not lost our battle to attain fairness for all leaseback owners in the Indiana Dunes National Lakeshore.

Our issue is being introduced to the Senate this month within the verbiage of Senators Coats'and Lugar's S. 2882.

Therein we will be allowed to renegotiate our current leases to purchase additional years to increase the total leaseback lives of our properties to 29 years.

Please support us by filling out the blanks on the enclosed postcard and mailing it today to Senator Bumpers, who chairs the Senate Subcommittee deciding our fate. Thanks.

October 3, 1990

Honorable Dale L. Bumpers
Dirksen Senate Subcommittee of Public Lands
Washington, DC, 20510

Dear Chairman Bumpers,

We respectfully request that the following documents, both new submittals and those sent to yourself, Senator Coats and Senator Lugar, prior to the September 27th Senate Subcommittee Hearings, be included as part of the written testimony in support of the 29 Year Plan as part of S2882.

Specifically please include:

1. Letter with 101 names of individuals and family leaseholders including those who originally sold to the government and those who purchased leaseholds who appeal to you to pass the 29 Year Plan Provision.

2. Letter by Walter Lowe who on behalf of leaseholders, testified before chairman Vento and the Congressional Subcommittee on November 16, 1989, and now on behalf of leaseholders and his family, urges passage of the 29 Year Plan; equitable treatment for leaseholders who were economically unable to purchase "lump" extensions offered in 1980 legislations, but would have been able to exercise their rights (as did more affluent neighbors,) if, as in the current provision, annual payment were acceptable.

3. Letter from Izaak Wirszup, Professor Emeritus of the University of Chicago and leaseholder, urging your support of the 29 Year Plan, citing depressed condition in the steel industry and ensuing economic depression in Indiana and inequitable variations in length of terms offered to leaseholders as a mandate for passage of the 29 Year Plan Provision.

4. Packet of over 40 letters from individual leaseholders both "original and secondary" appealing for passage of the 29 Year Plan.

5. Letter from Kenneth Gardner, Professor Emeritus in Environmental Sciences, whose family built in what is now West Beach in the 1930's stating dismay at the differential treatment of leaseholders and urging passage of the 29 Year Plan to remedy this inequity.

6. We respectfully request photo essay which is in your possession and file and not included in this packet, be placed in testimony.

7. Letter in response to Senator Bumpers' concerns.

Please in the spirit of equity and fairness offer all leaseholders the option of the passage of the 29 Year Plan.

We deeply thank you.

Sincerely yours,

Rosemary Canright
(219) 926-7054
Garnett Biesel
(219) 926-3625

Honorable Dale L. Bumpers, Chairman
Senate Subcommittee on Public Lands, National Parks and Forests
229 Dirksen Senate Office Building
Washington, D.C. 20510

October 2, 1990

Dear Senator Bumpers,

We deeply appreciate David Brooks returning our call to provide us with information on submitting testimony, to let us know you are sincerely considering the request of our Senators and to share your concerns about passage of the 29 Year Plan. We believe that your reservations can be sufficiently addressed to allow for passage of this urgently needed provision. We ask that you hold open submittal of testimony to the Public Record to allow Ray Peterson, director pro temp of the Indiana National Lakeshore Resident's Association to respond. As Mr. Peterson has extensively researched Park history, we would also appreciate if you would speak with him directly regarding these matters.

The first concern was if a remainder of 29 years is offered to leaseholders in the Indiana National Lakeshore the other leaseholders in other Parks will ask for and be entitled to extensions.

We are not in actuality asking for extensions but renegotiations of terms to provide equitable treatment of all leaseholders:

> Our Senators Coats and Lugar have introduced the 29 Year Plan after considerable deliberation due to the unique and very special circumstances that distinguish the situation of leaseholders in the Indiana Dunes National Lakeshore from all other leaseholders in National Parks throughout the country. They, as well our Congressman Pete Visclosky, are in accord that the inequitable treatment of leaseholders in our Park strongly warrants passage of this provision.

Specifically: Our Parks' history of legislation which offered different lease terms to different leaseholders at different times is unparalleled in other Parks and thus other Parks will not have this basis upon which to request a renegotiation of terms.

The fact is that the 1980 legislation, which offered 9 year extensions to leaseholders, coincided with major depression in the steel industry, the central employer in Northwest Indiana which more that halved its number of employees from over 80,000 to under 30,000. This plunge in the steel industry created economically depressed conditions throughout Northwest Indiana and a large number of leaseholders under these financially threatening circumstances were economically unable to make the full advance payment required to exercise this option. Over 60% of leaseholders who did not exercise extensions are in the area, in and adjacent to Gary Indiana. No other Park's legislative offerings, that we are aware of coincided with an economic depression. These two conditions make the situation in Indiana different than that of leaseholders in any other Park and will therefore not establish a new precident.

The second concern we wish to address is that individuals who purchased leaseholds "knew what they were getting".

In response to this we wish to cite Dr. Eugene Hester, Associate Director of National Resources, National Park Service, Department of the Interior, who in his testimony before the House Subcommittee November 16, 1989 asserted that:

> "Treating original and non-original owners differently would authorize a serious violation of land management ethics."

There is legal precedent that the full rights of a leasehold are transfered with the leasehold. The 1980 legislation offered a nine year extension to both those "original" leaseholders who sold to the government and those who purchased leaseholds from these individuals. Thus the option of a renegotiation of the full remainder of a 29 Year Term legally should be offered to all leaseholders.

Thank you for your consideration of these urgent matters that will have profound impact on the life of leaseholders in our Park.

Sincerely yours,

Garnett Biesel
(219) 926-3625
Dobbi Kerman, Ph.D
(219) 938-1541

October 3, 1990

Chairman Dale L. Bumpers
Senate Subcommittee on Public Lands
229 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Bumpers:

We, as 101 leaseholders urgently appeal to you esteemed senator both on our behalf and on behalf of the other approximately 250 leaseholders to help remedy the injustices of past legislation in the Indiana Dunes National Lakeshore by voting for the 29 Year Plan Provision introduced as part of S2882 by our Indiana Senators Coats and Lugar that you will be before you in Conference Committee.

The 29 Year Plan will offer all leaseholders the option to purchase a remainder of a 29 year lease term. Past bills offered different leaseholders different terms at different times and required full advance payment which many families hard hit by depressed conditions in Indiana were unable to exercise.

We feel strongly that all current leaseholders should be offered the same terms and opportunities and that differential treatment of those who sold to the government and those who bought from these individuals, in the words of Dr. Eugene Hester "would be a serious violation of land management ethics."

As 42% of all leaseholds expire in the next five years many of our neighbors will be forced to leave their homes and communities while others will stay a full 29 year term.

Please help remedy this painful and unjust situation and support the 29 Year Plan.

Sincerely yours, Family and Individual Leaseholders in the Indiana Dunes National Lakeshore, whose lives will be profoundly impacted by your decision.

Charles & Dorthy Neil
(219) 926-6229

Nelson Nealy
(219) 926-1417

Robert & Helen O'Mara
228 Southmore, Hamond

Brian & Susan Oliver
(219) 926-2637

James Ammann
(219) 926-8531

George & Joan Nichols
Beverly Shores Box 389

David & Patricia McColpin
(219) 872 0976

Michael & Buffe Marsho
(219) 879-5256

Fred & Sharon Millet
(219) 926-7819

Eleanor Murray
(219) 926-8727

Thomas & Diane Myers
(219) 926-5381

Ms. Olga Petryszyn
(219) 926-7535

Michael & Daron Piers
(219) 926-5621

Mr. & Mrs. William Quinn
(219) 879-6461

Klaus & Kate Ollendorff
(219) 872-3149

Edward & Amelia Reckas
(219) 872-1086

Mark & Mary Roser
(219) 872-5091

Larry & Denice Fegaras
(219) 324-2344

Ms. Audry Rudstrom
(219) 926-5292

Herbert J. Smith
(219) 879-5096

James & Dana Vanes
Grandmother Adele Flora
(219) 663-5643

John & Eleanor Vivian
(219) 872-0113
Ms. Margaret Hayes &
Grandchildren
(219) 938-9400

Ms Evelyn Vitagaras
(219) 926-1555

Mr. Guy Grasher
(219) 926-2247

Walter & Sharon Lowe
(219) 938-6217

Charoltte Vellines
(219) 926-3195

Mr. and Mrs. Thomas
Ranck
Furnessville Road,
Chesterton

Aaron & Ben Bolton
(219) 926-8220

Ms. Augusta Weiss
(219) 926-3017

Father Anthony Puchenski
(219) 929-4251

Dr. David Rudziewicz
D.D.S.
(219) 874-7098

Thomas Ayres
(219) 926-2552

Edward & Jeanne Barry
(219) 379-5304

Robert & Alice Bley
(219) 926-4992

Elizabeth & Harry Benson
(219) 926-3878

Garnett Biesel
(219) 926-3625

Eileen & Robert Bryant
(219) 872-2902

John & Rosemarry
Canright
(219) 926-7054

Jeff & Jill Klare
(219) 926-7648

Continuation of 101 Names

Oct 2, 1990

Gerhard & Lorretta
Cohan
(219) 926-5813

Gus & Jana Cokusis
(219) 926-1529

Nathan Cooley
(219) 938-2825

Frank & Rita Cwikala
(219) 874-5671

John DeFauw
(219) 938-9019

Mabrel Devine
(219) 926-2287

Ruth Ellan D'Ouville
(219) 926-3770

Josephine Digeronimo
(219) 874-6353

Florenca Dwyan
(219) 322-0136

Dale Eklund
(219) 926-2756

Catharine Flynn
(219) 926-2413

Clara DeForest
(219) 926-8448

James & Mary Flannary
(219) 926-4449

Dale Fleming
(219) 938-3834

Donald & Shirley Forberg
(219) 872-3054

Gerald& Josephine
Franklin
(219) 926-3798

Eleanor Fuller
(219) 879-7993

Louis & Opal Gland
(219) 926-5956

Kathryn Griswald
(219) 926-1842

Katheryn & Charles
Grube
(219) 996-2532

John Husarik
(219) 874-7843

Alex & Elina Janusas
Beverly Shores

.Wanda Jones
(219) 926-3202

David Joyce
(219) 879-2759

Ms. Annette, Cline & Ms
Elizabeth Jacobs
(219) 872-7927

Mark Kraynak
(219) 926-4250

Lawrence Lavelle
(219) 926-2458

Mr. & Mrs Edward
Lampa
(219) 926-6244

Madeline Levine
(219) 879-4751

Thomas & Audry Lipinski
(219) 926-6148

Walter & Sharon Lowe
(219) 938-6217

George & Helen Millet
(219) 926-2498

Orviille Morely
(219) 938-0141

Colette Navarro
(219) 926-5057

Robert & Helen O'Mara
(219) 219-931-4035

Mr. & Ms Harold Olin
Box 155 Beverly

Mrs. Williard Pauling
(219) 938-1281

Dr. Alex Pietruk
(219) 874-7050

Dr. Denis Shelly
(219) 929-4314

Anthony & Jane Seed
(219)-938-3295

Robert & Laverne Roche
(219) 872-2707

John & Florence
Rittmayer
(219) 872-5042

Mary Rhed
(219) 926-4859

James & Linda Ramsy
(219) 926-4918

Charles Simmons
(219) 879-7727

Gordon Stoltz
110 Dunes Forest Trail

John & Lavora Tucker
(219) 879-6332

Elizabeth Turner
(219) 872-4578

Edward Valovich
(219) 926-2703

Nancy & Gregory
Veselica
(219) 874-7172

Steven Woodruff
(219) 926-5168

Hyman Zimmerman
(219) 872-2734

Dr. Dobbi Kerman
(219) 938-1541

Richard & Marcella
Kiebdaj
(219) 926-3130

Richard & Mary O'Brien
(219) 874-2333

Hector & Hazel
McKinnon
(219) 872-0976

Bernard & Sophia Mickos
(219) 879-5256

Raymond & Hazel Reiter
(219) 926-4461

David Keller
(219) 879-0881

September 30,1990

Honorable Dale Bumpers
Senate Subcommittee on Public Lands
364 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Bumpers,

I wish to submit the following testimony to be placed in the public record in support of the 29 Year Plan provision in 52882.

I have previously testified in person on behalf of leaseholders at Congressional hearings on November 16th, 1989 in support of the 2010 Committee and now wish to go on record as urging the passage of the 29 Year Plan as a much-needed equitable compromise between the needs of leaseback holders and the goals of the Indiana Dunes National Park.

I had just purchased my lease when the option for a 9-year extension was offered in the 1980 legislation. Having spent our family's entire savings to purchase our lease, my wife Sharon and I were entirely unable to afford to exercise our option to purchase the extension years. Many of my friends and neighbors who owned leasebacks at that time were suffering the burdens of the economic depression that has inflicted the Northwest Indiana region since the severe shrinkage of this area's steel industry, and they were also unable to afford to purchase lease extensions at that time.

If the previous legislation had allowed me to purchase an extension on our home with reasonable annual payments (rather than an immediately payable lump sum), I would have exercised my option to extend.

My wife, two teenagers and I would deeply appreciate the option of staying in our home and continuing to live in this area that we've grown to love so much, for a term equal to our more affluent neighbors. The 29 Year Plan will help redress the inadvertent discrimination of the 1980 legislation.

Even if other parts of 52882 don't meet with your approval, please, in the name of fairness to a working family and other families like ours, do everything you can to pass the 29 Year provision.

Respectfully submitted,

Walter L. Lowe Jr.
721 N. Wells St.
Gary, In. 46403

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF MATHEMATICS
5734 UNIVERSITY AVENUE
CHICAGO • ILLINOIS 60637
FAX: (312) 702-9787
BITNET: ucmath/zaphod@uchicago.bitnet
INTERNET: ucmath@zaphod.uchicago.edu

September 19, 1990

Honorable Dale L. Bumpers, Chairman
Senate Subcommittee on Public Lands, National Parks & Forests
229 Dirksen Senate Office Building
Washington, DC 20510

Dear Senator Bumpers,

As residents of the Indiana Dunes National Lakeshore, we respectfully ask for your support of the proposed 29-Year Plan included as part of S 2882 which will soon be before your committee. The 29-Year Plan offers all current leaseholders the option of an equal 29-year term.

The 29-Year Plan provision is a compassionate and just legislative remedy to serious inequities of previous legislation. Past legislation offered considerable variance in lease terms and adversely affected the financially disadvantaged. Many were unable to provide the full advance payment required to purchase full lease terms or 9-year extensions offered to all leaseholders, given the depression in the steel industry which had a severe impact on Northwest Indiana. The leaseholders provide an important protective function both of natural resources and of park visitors, whom we assist and welcome.

The 29-Year Plan will offer uniform, fair, and non-discriminatory terms for all leaseholders in the Indiana Dunes National Lakeshore. Since our reservation has been allowed only 25 years of leaseback, passage of the 29-Year Provision would assure us a home for another four years of our retirement.

We will all be grateful for your continued support of justice and the passage of the 29-Year Plan as proposed in S 2882.

Thank you.

Sincerely yours,

Izaak Wirszup

Professor Emeritus of Mathematics

1125 Mesita Rd.
Pasadena, CA. 9110

Professor Emeritus
Management and Environmental
Sciences, University of California

Dear Senators,

On a recent visit to the West Beach area of the National Lake Shore Park in Indiana, I was distressed to hear about the Government's inconsistent policy in dealing with leasebacks for some of the current residents in that area. My special concern is that the summer cottage my parents built in 1932 could be destroyed as the result of a possible closeout of the existing lease to the current occupants. I respectfully submits that it is in the Park's best interest to maintain a stable "buffer" zone around the existing Park as the benefits derived would far outweigh the advantages gained by claiming a few more acres of land.

Sincerely yours
Kenneth W. Gardiner

Sept. 20, 1990

Senator Dale Bumpers:

I'm opposed to the taking of any more land in Porter County by the National Lake shore.

Use the money the National Parks has for acquisition for maintenance of what has already been acquired. The Federal government already owns too much land.

This is a written testimony + I want it to be recorded.

Sincerely
Bonita Ramsay
972 N. St. Rd. 149
Valparaiso, In.
46383

219-762-2297

Mrs. Jerald Yocum
1235 E. High St.
Hobart IN 46342

9/20/90

The Honorable Dale Bumpers, Chairman,

Dear Senator Bumpers;

Please make this letter part of the record of testimony on S 2882, the Indiana Dunes bill.

As a citizen of Hobart who has been hiking at the Hobart Prairie Grove, several times in the last few years, I would like to express my support for its' inclusion in the Indiana Dunes National Lakeshore. It's a beautiful place with its' wildflowers & Great Blue Herons.

I have enjoyed many visits to the Dunes over the years. I hope S 2882 is passed with as many of the proposed natural places included as possible. Thank you!

Sincerely,
Mrs. Joye Yocum
1235 E. High St.
Hobart. In 46342